

Comhairle Chontae Atha Cliath Theas

PR/0957/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0259 **Application Date:** 03-Jun-2022
Submission Type: New Application **Registration Date:** 03-Jun-2022

Correspondence Name and Address: Flynn Architects Clane Road, Sallins, Co. Kildare, W91 XW2T

Proposed Development: Conversion and extension of the existing garage structure and construction of a new link to the existing single-storey four-bedroom house, to provide a single-storey one-bedroom family flat with kitchen/ living area and outdoor area; construct an additional pedestrian gate in the existing garden wall, to install photovoltaic solar panels to the roof of the house and to complete some ancillary site, landscaping, and drainage works.

Location: 19 Cedar Avenue, Kingswood, Dublin 24.

Applicant Name: Paul Wilson

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.048 hectares.

Site Description:

The corner application site contains a single storey, detached house, located on Cedar Avenue in an area made up of similar dwellings. The surrounding area is residential in nature.

Site Visited:

29 June 2022

Proposal:

Permission is sought for the following:

- Conversion and extension of existing rear garage structure to connect to existing dwelling to provide one-bedroom family flat
- Provision of pedestrian gate in garden wall
- Provision of photovoltaic solar panels on roof of existing house
- Ancillary site, landscaping and associated works

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Zoning:

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

Consultations:

Public Realm – No objection, **conditions** recommended

Roads – No objection, **conditions** recommended

Water Services – No report received at time of writing (12/07/22)

Irish Water – No report received at time of writing (12/07/22)

SEA Sensitivity Screening

No overlap with relevant sensitive layers

Submissions/Observations /Representations

Submission expiry date – 7 July 2022

No submissions or observations received.

Relevant Planning History

S01B/0214: Extension and alterations. **Granted permission**

S99A/0296: New matching bungalow to side garden. **Refused permission**

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.

Policy H19 Family Flats

It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.

H19 Objective 1:

To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.

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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*

(ii) Family Flat

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat,*
- *The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,*
- *The family flat should be directly accessible from the main dwelling via an internal access door, and*
- *The design criteria for dwelling extensions will be applied*

Relevant Government Guidelines

***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
- Public Realm
- Roads
- 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.

Section 11.3.3 (ii) of the Development Plan 2016 – 2022 states that:

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent

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an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat,*
- *The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,*
- *The family flat should be directly accessible from the main dwelling via an internal access door, and*
- *The design criteria for dwelling extensions will be applied.*

The applicant has provided a doctor's note attesting that an elderly relative would benefit from co-living with relatives.

The family flat would be less than 50% of the floor area of the main dwelling house, would be directly accessible from the main dwelling and would meet the design criteria for extensions. In regard to these criteria, the family flat is acceptable.

Residential and Visual Amenity

The proposal comprises the conversion and extension of an existing garage to provide a family flat and the provision of a new pedestrian gate on the southwestern boundary. The application also seeks permission for solar panels and ancillary site, landscaping and drainage works. No other changes are noted from drawings.

Garage Conversion to Family Flat and New Link

There is an existing, detached, single storey pitched roof garage to the rear of the dwelling. This would be converted to provide semi-independent living accommodation comprising a bedroom, bathroom and open plan living area totalling approximately 45.7 sq.m. The 'family flat' would be connected to the main dwelling through the provision of a flat roof link, extending from the dining room to provide a corridor and utility room. The link would connect directly with the bedroom providing access to the 'family flat'.

Windows would be placed on the northwestern elevation, serving the living area and bedroom. These windows would face the main dwelling, with a separation distance of just under 6m. Windows and an external access door would also be placed on the southwestern elevation. The provision of the external access door is considered acceptable to provide direct access to a small area of private open space.

In the event of a grant, a **condition** should be attached stating that the 'family flat' can only be used as semi-independent accommodation for a direct family member of the residents of the

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main dwelling. It would be unacceptable for the 'family flat' to be separated from the main dwelling either by sale or letting.

Side Access Gate

A side access gate would be located on the southwestern site boundary, facilitating a separate access to the family flat. A family flat is not considered to represent an independent dwelling unit, and the provision of this side access would facilitate the use of the family flat separately to the main dwelling. This is not considered acceptable. In this regard, the provision of the pedestrian access gate is not considered acceptable and should be **omitted by condition**.

Solar Panels

18 no. solar panels are proposed on the side and rear slope of the roof of the main dwelling, facing southeast and southwest.

The installation of solar panels within the curtilage of a house is supported as per Chapter 10 of the Chapter County Development Plan.

Public Realm

The Public Realm Section have reviewed the application and have stated no objection to the development, recommending the following **conditions** in the event of a grant:

1. *Protection of Street Trees in Grass Margins*

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development should not be permitted without adequate protective fencing being in place. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. HCL15 Objective 3

2. *Sustainable Drainage System (SuDS)*

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Sample SuDS devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

It is appropriate to deal with the above issues by **condition**. If the side access gate is being omitted from the permission, protection measures for the street tree should apply only if any construction activities are to occur in the vicinity of the tree.

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Roads

The Roads Department have reviewed the application and have stated no objection. Their report recommends a **condition** is included that vehicles exit the driveway in a forward motion. This would be unenforceable and should not be included in the event of a grant.

Services, Drainage and the Environment

The applicant has not proposed any Sustainable Urban Drainage Systems (SuDS) as part of the works. This can be dealt with by **condition**.

From the plans submitted, surface water drainage arrangements are not clear. This can be dealt with by **condition**.

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,

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.

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 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.

Other Considerations

Bonds & Contributions

The application is for a residential extension and conversion of a garage:

- Extension: 19.5 sqm
- Conversion: 38.4 sqm
- Total: 57.9 sqm

Previous extensions to the house exceed 40sqm.

Assessable area is 57.9 sqm.

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SEA Monitoring

Development Type: Residential

Floor Area: 57.9sqm

Site Type: Brownfield / Urban Consolidation

Site Area: 0.048 Ha.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the upcoming South Dublin County Council Development Plan 2022 – 2028, it is considered necessary to recommend the following additional information:

- Justification for the provision of a family flat at this location
- Plans detailing SuDS proposals for the site
- Detailed surface water drainage plans

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 in accordance with submitted plans and details.

The development 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.

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2. Gate Access.
 - (a) The proposed pedestrian gate access is omitted from this permission.
 - (b) No separate gate access shall be provided on the southern boundary of the site.
Reason: To ensure the family flat shares access with the main house, and to prevent subdivision of the site.
3. Restrictions on Family Flat.
 - (a) The use of the family flat shall be restricted to a residential use only, directly associated with the use of the existing house on the site for such purposes and the family flat shall not be subdivided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house.
 - (b) The family flat extension shall revert to use as part of the main house when the development is no longer required for use as a family flat.
REASON: To ensure that the family flat does not operate as an independent dwelling unit or for any commercial purpose, in the interest of residential amenity and the proper planning and sustainable development of the area.
4. SUDs.

Prior to occupation of development, the applicant shall obtain the written agreement of the council to proposed Sustainable Drainage Systems (SuDS) features for the development. The applicant should submit a drawing in plan and cross-sectional views clearly showing these features. Sample SuDs devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC Householders Guide To Sustainable Drainage (SUDS) (2022) and the SDCC Sustainable Drainage and Explanatory Design Guide (2022).
REASON: To ensure the water run-off rate from the site is not increased due to new development, as per SDCC policy on sustainable drainage and flood risk.
5. Surface Water Drainage.

Prior to commencement of development, the applicant shall obtain the written agreement of the Planning Authority to proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer, and shall for this purpose submit the following:

 - 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 details submitted shall include the location of all AJs, manholes, pipe size, material type and direction of flow;
 - the drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks.

Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie.
REASON: To protect the amenities of the area and to protect public health.

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6. (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 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

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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.

7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €6,049.97 (six thousand and forty nine euros and ninety seven cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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REG. REF. SD22B/0259

LOCATION: 19 Cedar Avenue, Kingswood, Dublin 24.



Caitlin O'Shea
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: 28/7/22



Eoin Burke, Senior Planner