

# Comhairle Chontae Atha Cliath Theas

**PR/1003/22**

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

**Reg. Reference:** SD22B/0079      **Application Date:** 22-Feb-2022  
**Submission Type:** Additional      **Registration Date:** 13-Jul-2022  
Information

**Correspondence Name and Address:** JE Architecture Park House, Ballisk Court,  
Donabate, Co. Dublin

**Proposed Development:** Retention for detached single storey shed/gym/office  
to the rear of the garden with ancillary works.

**Location:** 23, Churchview, Gibraltar, Dublin 22

**Applicant Name:** Anthony Sterio

**Application Type:** Retention

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

#### Site Area:

Stated as 0.032 Hectares.

#### Site Description:

The subject site is located within an established residential area at No. 23 Church View, Gibraltar, Dublin 22. The site is bound to the east and west by residential dwellings at Nos. 22 and 24 Church View, to the south by a road known as 'Oak Way' and to the north by a neighbourhood centre containing a number of shops and takeaway food units. The wider surrounding context of the subject site includes the N7 approximately 400m to the south, Corkagh Park approximately 400m to the west and the Sacred Heart Church approximately 80m to the northwest.

The subject site is comprised of an existing two-storey terraced dwelling with a single storey rear extension and a detached single storey shed structure in the rear garden (43 sq m).

The surrounding streetscape is generally characterised by dwellings of a similar scale and architectural design.

### **Proposal:**

Retention permission is sought for the following:

- A shed in the rear garden with an approximate floor area of 43 sq m, an approximate width of 7.5m and an approximate length of 7.1m. The shed has a flat roof profile, with a parapet height of approximately 3m. There are 2 No. doors and an access door in the northern elevation and 1 No. window with opaque glazing in the southern elevation.
- According to the floorplans provided with the Planning Application, the shed structure contains a home office, gym, storage area and a toilet.

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### **Zoning:**

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

### **Consultations:**

Drainage and Water Services Department: Additional Information required.

Irish Water: Additional Information required.

Roads Department: No objection.

Parks Department: No objection.

### **Submissions/Observations /Representations**

Final date for submissions/observations – 28<sup>th</sup> March 2022.

A number of submissions were received, the key points of which are briefly summarised below:

- Structure was constructed without the benefit of Planning Permission.
- The structure is excessive in scale and height.
- Overshadowing of surrounding properties caused by shed structure.
- Unightly structure which rises above the boundary fence.
- Site Notice was placed within the curtilage of the property, requiring members of the public to enter the property to view it.

### **Relevant Planning History**

#### **Subject site**

No relevant Planning History for the subject site.

### **Relevant Enforcement History**

**S8878** – Structure to the rear that may require planning permission.

### **Pre-Planning Consultation**

None was recorded for the subject scheme.

### **SEA Sensitivity Screening**

No overlap indicated with the relevant environmental layers.

### **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.

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#### *Policy H18 Objective 1:*

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

#### *Section 11.2.7 Building Height*

#### *Section 11.3.1 Residential*

#### *Section 11.3.1 (iv) Dwelling Standards*

#### *Section 11.3.1 (v) Privacy*

#### *Section 11.3.3 Additional Accommodation*

#### *Section 11.3.3 (i) Extensions*

#### *Section 11.7.2 Energy Performance in New Buildings*

#### *Section 11.8.2 Appropriate Assessment*

### **The South Dublin County Council House Extension Design Guide (2010)**

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

#### **Elements of Good Extension Design:**

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow, or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

#### **Overbearing Impact**

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

### **Relevant Government Guidelines:**

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

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

**Urban Design Manual**, 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).

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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)

### **Planning Note**

Article 23(1)(c) of the Planning and Development Regulations 2001 (as amended) states that:

*'The site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate'*

Whilst some levels have been included on the Site Layout Plan, no details in relation to the separation distance to nearby structures and the existing ground level of surrounding properties have been included. A number of the submissions mention that there is a change in level between the subject site and the rear gardens of the properties adjoining the western boundary. In this regard, to facilitate a complete assessment of the potential impact of the proposed development on the visual and residential amenity of these properties, the Applicant should be requested to submit a revised Site Layout Plan, cross sections, elevations, and plans that accurately show the levels/contours of the site.

### **Assessment**

The main issues for the assessment are:

- Zoning and Council Policy
- Visual and Residential Amenity
- Roads
- Parks
- Drainage and Water Services
- Screening for Appropriate Assessment
- Environmental Impact Assessment

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

The proposed development comprising the retention of a shed structure is consistent with zoning objective 'RES'– 'To protect and/or improve residential amenity'. As the shed structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2016-2022.

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#### *Visual and Residential Amenity*

The proposed development shall also be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2016-2022 and the South Dublin County Council House Extension Design Guide (2010).

A shed with an approximate floor area of 43 sq m has been constructed in the rear garden of the existing dwelling, without the benefit of Planning Permission. The purpose of this Planning Application appears to be to seek Retention Permission for the structure, to regularise its planning status. The shed has an approximate width of 7.5m and an approximate length of 7.1m. The shed has a flat roof profile, with a parapet height of approximately 3m. There are 2 No. doors and an access door in the northern elevation and 1 No. window with opaque glazing in the southern elevation.

A number of the submissions have raised concerns regarding the potential for the structure to have an overbearing and overshadowing impact on adjacent properties, particularly the rear amenity spaces of the residential dwellings directly adjoining the western boundary of the subject site. As previously noted, the Site Layout Plan is deficient in information regarding the levels/contours of surrounding properties and thus it is difficult to assess the proposed development in the context of the change in level. According to the drawings provided by the Applicant, the proposed shed structure has a height of approximately 3m however this may read as taller from adjoining properties owing to the change in levels. In this regard, the Applicant should be requested to provide **ADDITIONAL INFORMATION** in the form of a full suite of contiguous, elevational, and sectional drawings (from all aspects), which indicate the existing ground level of the subject site and the adjoining properties. The revised plans shall also outline the entire context of the site including the existing and surrounding dwellings and include any other structures on the subject site.

The Application does not state that the shed shall be operated as a separate dwelling to the main dwelling. According to the floorplans provided with the Planning Application, the shed structure contains a home office, gym, storage area and a toilet. As such, it would appear that the shed is not intended for use as a dwelling. However, should permission be granted for the proposed development, a **CONDITION** should be attached ensuring that the shed cannot be utilised as a dwelling without the benefit of appropriate permission being obtained in a separate Planning Application.

#### *Roads*

A report received from the Roads Department indicates that they have no objections to the proposed development.

#### *Parks and Public Realm*

A report received from the Parks and Public Realm Department indicates that they have no objections to the proposed development.

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#### *Drainage and Water Services*

The Drainage and Water Services Department and Irish Water have reviewed the proposed development and have requested the following **ADDITIONAL INFORMATION**:

- There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
  - At least 5m from any building, public sewer, road boundary or structure.
  - Generally, not within 3m of the boundary of the adjoining property.
  - Not in such a position that the ground below foundations is likely to be adversely affected.
  - 10m from any sewage treatment percolation area and from any watercourse / floodplain.
  - Soakaways must include an overflow connection to the surface water drainage network.

The applicant is required to submit a drawing in plan and cross sectional views clearly showing additional proposed Sustainable Drainage Systems (SuDS) features for the development such as green roofs, water butts and rain planter boxes.

The Applicant has not submitted foul and surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul and 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. 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@sdublincoco.ie](mailto:servicemaps@sdublincoco.ie)

- The Applicant has not submitted water supply drawings for the proposed development. The Applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: [servicemaps@sdublincoco.ie](mailto:servicemaps@sdublincoco.ie)
- All development shall be carried out in compliance with Irish Water Standards, Codes and Practices.

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The above outlined information should be requested by way of **ADDITIONAL INFORMATION** from the Applicant.

#### ***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 retention of a shed structure.

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.

#### ***Environmental Impact Assessment***

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at the preliminary examination and a screening determination is not required.

#### **Conclusion**

Having regard to the 'RES' land-use zoning of the area, the relevant policies, and objectives of the South Dublin County Development Plan 2016 – 2022 and the recommendations and the South Dublin House Extension Design Guide 2010 it is considered that **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development.

#### **Recommendation**

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

1. The Planning Authority considers that the applicant has not demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In this regard, the applicant is requested to submit a full suite of contiguous and sectional drawings (from all aspects), which indicate the existing ground level of the subject site and the adjoining properties. The revised plans shall also outline the entire context of the site including the existing and surrounding dwellings and include any other structures on the subject site and separation distances to nearby structures.

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2. The following additional information in relation to the drainage and water services infrastructure is required to facilitate a complete assessment of the proposed development:
- The Applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
  - The Applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
    - At least 5m from any building, public sewer, road boundary or structure.
    - Generally, not within 3m of the boundary of the adjoining property.
    - Not in such a position that the ground below foundations is likely to be adversely affected.
    - 10m from any sewage treatment percolation area and from any watercourse / floodplain.
    - Soakaways must include an overflow connection to the surface water drainage network.
  - The Applicant is required to submit a drawing in plan and cross sectional views clearly showing additional proposed Sustainable Drainage Systems (SuDS) features for the development such as green roofs, water butts and rain planter boxes.
  - The Applicant is required to submit a drawing showing existing and proposed foul and 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 A<sub>j</sub>'s, 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](mailto:servicemaps@sdblincoco.ie)
  - The Applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: [servicemaps@sdblincoco.ie](mailto:servicemaps@sdblincoco.ie).

#### **Additional Information**

Additional Information was requested on 19<sup>th</sup> April 2022.

Additional Information was received on 13<sup>th</sup> July 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

#### **Submissions/Observations**

No submissions / observations received at the time of writing this Report.



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### Planning Note

The South Dublin County Development Plan 2022-2028 was adopted on 3rd August 2022. As such, the final decision in relation to this Planning Application will be assessed against the policies and objectives of the current Development Plan.

### Assessment

The following Additional Information was received from the Applicant on 13<sup>th</sup> July 2022:

- Cover Letter prepared by Joseph English Architecture dated 10<sup>th</sup> July 2022.
- Drawing No. PLAN-01 Revision 00 prepared by Joseph English Architecture.
- Shadow Analysis Study prepared by Joseph English Architecture.
- Storm Water Soakaway Design BRE Digest 365 Report prepared by Stingray Environmental Engineering Limited.
- Drawing No. 693-C01 – Proposed Site Layout Plan prepared by Stingray Environmental Engineering Limited.
- Drawing No. 693-C02 – On-Site Storm Water Disposal System Details prepared by Stingray Environmental Engineering Limited.
- Irish Water Web Map.
- Rainfall details.

The Additional Information provided by the Applicant will be assessed below in the context of the 2 No. items of Additional Information requested by the Planning Authority on 19<sup>th</sup> April 2022:

### Additional Information Item No. 1

In response to Additional Information Item No. 1 the Applicant has provided amended drawings and a Shadow Analysis Study prepared by Joseph English Architecture. The amended drawings appear to the levels of the subject site, existing dwelling and shed structure and separation distances to nearby structures. However, the following deficiencies in the amended drawings are noted:

- The Proposed Site Plan does not include levels/contours of adjoining sites. This is required to facilitate an assessment of the potential impact of the structure on adjoining properties. The Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of a detailed Site Survey drawing which clearly demonstrates the levels/contours of the subject site and surrounding context, relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate.
- There is a discrepancy between the height of the single storage shed structure shown in the original drawings submitted with the Application and the drawings submitted by way of response to the request for Additional Information.

The original drawings submitted with the Application appear to show the structure is 2.9m above ground level. However, the elevations provided in response to the request for Additional Information appear to show the structure as 2.7m above ground level. Furthermore, it is noted that there is a discrepancy between site levels shown on the original

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drawing submitted with the Application and the drawings submitted in response to the request for Additional Information. However, no explanation is offered for the difference in the levels shown. In this regard, **CLARIFICATION OF ADDITIONAL INFORMATION** is required to ascertain the correct height of the structure and the correct site levels to facilitate a complete assessment of the potential impact on surrounding properties.

Overall, it is considered that Additional Information Item No. 1 has not been satisfactorily addressed as the Applicant has not sufficiently demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In this regard **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant in relation to the above outlined issues.

#### Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has provided an Engineers Report and accompanying drawings prepared by Stingray Environmental Engineering Limited.

The Drainage and Water Services Department have assessed the Applicant's Response and indicated that the following **CLARIFICATION OF ADDITIONAL INFORMATION** is required:

*The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*

- (i) At least 5m from any building, public sewer, road boundary or structure.
- (ii) Generally, not within 3m of the boundary of the adjoining property.
- (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- (v) Soakaways must include an overflow connection to the surface water drainage network.

Whilst the amendments applied by the Applicant are deemed to have largely addressed Additional Information Item No. 2, **CLARIFICATION OF ADDITIONAL INFORMATION** is required in relation to the proposed soakaway.

#### **Conclusion**

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028 and the South Dublin County House Extension Design Guide (2010) and the deficiencies and discrepancies in the drawings provided by the Applicant, the Additional Information items have not been satisfactorily addressed. In this regard **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought, to facilitate a complete assessment of the proposed

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development and to ensure adherence to the key policies, objectives and guidance contained within the Development Plan 2022-2028 and the House Extension Design Guide (2010).

**Recommendation**

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Planning Authority considers that the applicant has not demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In this regard, the Applicant is requested to provide a detailed Site Survey drawing which clearly demonstrates the levels/contours of the subject site and surrounding context and the correct height of the shed structure, relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate.
2. The Applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
  - i) At least 5m from any building, public sewer, road boundary or structure.
  - ii) Generally, not within 3m of the boundary of the adjoining property.
  - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
  - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
  - v) Soakaways must include an overflow connection to the surface water drainage network.

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**REG. REF. SD22B/0079**

**LOCATION: 23, Churchview, Gibraltar, Dublin 22**

*Colm Harte*

Colm Harte,  
Senior Executive Planner

**ORDER:** I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

**Dated:**

9/8/22

  
Eoin Burke, Senior Planner