

Comhairle Chontae Atha Cliath Theas

PR/1021/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0278 **Application Date:** 17-Jun-2022
Submission Type: New Application **Registration Date:** 17-Jun-2022

Correspondence Name and Address: Stephen Mason Architectural & Planning Services 2, Clonkeefy, Castlerahan, Ballyjamesduff, Co. Cavan

Proposed Development: Planning Permission for (1) Construction of a two storey pitched roof side extension to the existing dwelling
(2) Construction of a single storey flat roof rear extension to the existing dwelling and extending for the width of the two storey extension.
(3) Works to the existing house (a) Internal alterations at ground and first floor level to facilitate the new extension (b) Alterations to existing ground floor window on the front elevation
(4) Increased width vehicular entrance of the public road and
(5) All necessary ancillary site development works to facilitate this development

Location: 53, Michael Collins Park, Dublin 22

Applicant Name: Stephen & Eimear Shields

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area

Stated as 0.038 Hectares.

Site Description

The property is located in a residential estate off the Nangor Road. The property is an end of terrace, 2 storey corner unit with a pitched roof. The area is characterised by units of similar architectural design with a relatively uniform building line.

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Proposal:

The development will consist of:

- Construction of a two-storey pitched roof side extension to the existing dwelling.
- Construction of a single storey flat roof rear extension to the existing dwelling and extending for the width of the two-storey extension.
- Works to the existing house (a) Internal alterations at ground and first floor level to facilitate the new extension (b) Alterations to existing ground floor window on the front elevation.
- Increased width vehicular entrance of the public road.
- All necessary ancillary site development works to facilitate this development.
- Total area of works is 60sqm.

Zoning:

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Consultations:

Irish Water - No report received at time of writing.

Water Services – No report received at time of writing.

Roads – No objection subject to conditions.

Parks - No objection subject to conditions.

SEA Sensitivity Screening

No overlap with relevant layers.

Submissions/Observations /Representations

None.

Relevant Planning History

Subject Property

None

Adjacent Properties

SD11B/0187 - 48, Michael Collins Park, Dublin 22 – **Permission Refused** for proposed first floor rear extension with pitched and hipped roof over; proposed new window in side gable at first floor level and internal alterations.

REASON: The proposed first floor rear extension by reason of its orientation, height and location along the site boundary would have an overbearing impact and would result in significant overshadowing of the adjoining terraced house to the north (47 Michael Collins

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Park). The proposed development would seriously injure the visual and residential amenities of the adjoining property and would depreciate the value of property in the vicinity, would be contrary to the A zoning objective of the area; to protect and or improve residential amenity and would therefore be contrary to the proper planning and sustainable development of the area.

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded.

Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

6.8.2 Residential Extensions

Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.

H14 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 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy GII: Overarching

GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

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

Side Extensions

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.*
- *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.*

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Rear Extensions

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

Daylight and over shadowing

- *Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.*
- *Prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property, by not locating an extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation. If the extension has a pitched roof, then the top of the extension can be taken as the height of its roof halfway along the slope.*

Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment 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, (2008).

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

Assessment

The main issues for assessment are

- Zoning and Council policy,
- Residential and Visual amenity
- Drainage
- Roads
- Parks
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Council Policy

A development comprising of a two-storey side extension, single storey rear extension, and widening a vehicular entrance would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Residential and Visual Amenity

Two-storey Pitched Roof Side Extension

The proposed development of the two-storey side extension is set back from the established building line by approximately 1.23m which results in the roof being offset from the ridge line of the existing roof which is considered visually acceptable. The dwelling is situated on a corner site and the extension protrudes 3.6m in width, leaving approximately 5.5m to the southern boundary which is consistent with the House Extension Design Guide. The proposed southern gable has one window at ground floor level which will lead onto a WC and shall be obscured. The southern elevation will also have a side access door toward the rear, the materials of which are not confirmed.

The South Dublin County Council House Extension Design Guide states, "*Do not incorporate blank gable walls where extensions face onto public footpaths and roads*" and it is considered that the proposed fenestration would not add to the passive surveillance of the area. A new window should be incorporated in the design of the first-floor gable to have similar design dimensions to the window projecting onto the proposed new bedroom on the western (front) elevation at first floor level which shall be confirmed by way of condition. It is intended that the current pebble dashed façade is maintained throughout the development which is consistent with the established architectural pattern. The proposed development would not have an overbearing impact, nor would it result in overlooking of neighbouring dwellings in the immediate vicinity and is therefore acceptable.

Single Storey Flat Roof Rear Extension

The proposed rear extension spans almost the entire width of the existing property and that of the proposed side extension. It extends approximately 3.4m from the existing dwellings rear elevation which is considered acceptable in the site context. The ridge height is 3.3m to the top of the parapet and although there will be partial overshadowing of the attached dwelling to the norths closest habitable room, it would not be significant. There will be approximately 90sqm of rear amenity space remaining which is acceptable. Overall, the proposed rear extension would not seriously injure the visual or residential amenities of the area.

Alterations to Existing Ground Floor Window

The revised window on the ground floor western (front) elevation indicates an increase in height from 1m to 1.5m with the existing width maintained. This would not be visually obtrusive, nor would it lead to any additional overlooking and as such is acceptable.

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Increased Width of Vehicular Entrance of the Public Road

The applicant proposes widening the existing vehicular entrance from 2.3m to 3m which is considered acceptable subject to **conditions**.

Drainage

There was no report received from Water Services or Irish Water at the time of writing but given the size, scale and nature of the proposed development it is considered appropriate that **conditions** regarding surface water drainage solutions including SuDS and foul water drainage are applied in the event of a grant of permission.

Roads

The Roads Department have no objection to the proposed development subject to the following conditions:

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 4. Any gates shall open inwards and not out over the public domain.*
- 5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

Condition 5 is not enforceable as a planning condition but is noted. The applicant has not indicated the inclusion of gates but condition 4 shall be included in the interest of public safety. It should be noted that prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Parks

The Public Realm Section have no objections to the proposed development subject to the following conditions:

Conditions

- 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

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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. **Proposed Removal/Reduction of grass margin to facilitate the widening of driving entrance**

While the Public Realm Section have no issues with the rest of the proposal, we would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the provision of widening a driving entrance. It is the opinion of the Public Realm Section that reduction/removal of the grass margin in order to facilitate the widening of the entrance driveway will negatively impact/impinge on the existing street tree. The tree survey should be in line with BS 5837:2012 Trees in relation to design, demolition and construction.

Street Trees play an extremely important role in mitigating the impacts of climate change and every effort should be made to protect and retain our existing street trees in urban areas.

Grass margins in urban areas also provide a full range of ecosystem services such as regulating the water cycle by promoting infiltration, thus facilitating regeneration of ground-water stocks and evapotranspiration. In addition, they mitigate the heat-island effect through transpiration and evaporation and provide cooler. Another important ecosystem service is habitat provision for some urban fauna species.

It is of the opinion of the Public Realm Section that granting this application would set an unwanted precedent and will have a negative impact on the adjacent street tree and will also result in a reduction in the adjacent grass margin.

It is considered reasonable that **Condition 1** shall be applied in order to ensure that the street tree on the grass verge is protected. Condition 2 is noted but given the size and scale of the works required on the grass verge, is not deemed necessary and shall not apply.

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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 two-storey side extension, single storey rear extension and widening a vehicular entrance.

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 (EIAR)

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

Development Contributions

Development Contributions Assessment Overall Quantum

Proposed Extension:	60sqm
Previous Extension:	0sqm
Assessable Area:	20sqm

SEA Monitoring Information

Building Use Type Proposed:	
Floor Area:	60sqm
Land Type: Urban Consolidation.	
Site Area:	0.038Hectares.

Conclusion

Having regard to the nature and scale of the proposed development, the 'RES' zoning objective and the provisions of the South Dublin County Council Development Plan 2022-2028, it is considered that subject to the conditions set out below, the development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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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 2022 - 2028 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.
2. Roads and Access
 - i) The vehicular access points shall be limited to a width of 3.5 meters.
 - ii) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
 - iii) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
 - iv) Any gates shall open inwards and not out over the public domain.
REASON: In the interest of public safety, proper planning and sustainable development.
3. First Floor Gable Window
Prior to the commencement of development, the applicant/developer shall submit drawings including elevations, floor plans and site plans showing one a new window on the first-floor of the gable wall (southern elevation) that shall be similar in design and dimensions to the window projecting onto the proposed new bedroom on the western (front) elevation at first floor level for the written agreement of the Planning Authority.

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REASON: In the interest of residential amenity.

4. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

- (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,
- (b) 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.
- (c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
- (d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

- (i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.
- (ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.
- (iii) a minimum of 10m from any sewage treatment percolation area.
- (iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

5. Sustainable Urban Drainage Systems (SuDS)

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. Prior to the commencement of development, the applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, such as but not limited to the following:

- Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.
- Permeable Paving
- Grasscrete

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- Green Roofs,
- Swales
- Permeable Paving
- Grasscrete
- Channel Rills
- Planter Boxes water butts

The applicant should reference the SDCC Sustainable Drainage Explanatory Design & Evaluation Guide prior to submission.

REASON: In the interest of providing suitable SuDS measures and sustainable development of the area.

6. Protection of Street Trees in Grass Margins

The applicant shall 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 shall 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 shall be permitted within the fenced tree protection areas indicated on plan.

REASON: In the interest of proper planning and sustainable development.

7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,089.80 (two thousand and eighty nine euros and eighty 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

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be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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.

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REG. REF. SD22B/0278

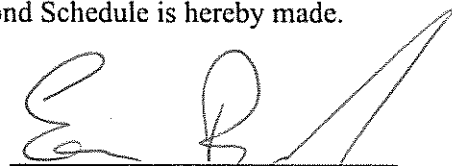
LOCATION: 53, Michael Collins Park, Dublin 22

jjohnston
Jim Johnston,
Senior 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:

11/8/22


Eoin Burke, Senior Planner