

# Comhairle Chontae Atha Cliath Theas

**PR/1083/22**

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

**Reg. Reference:** SD22A/0053      **Application Date:** 16-Feb-2022  
**Submission Type:** Additional      **Registration Date:** 27-Jul-2022  
Information

**Correspondence Name and Address:** Liam Baker 19, Aranleigh Gardens, Rathfarnham,  
Dublin 14

**Proposed Development:** Construction of new detached, two storey dwelling in  
the side garden with shared vehicular access; increase  
in width of existing vehicular access to 3.5m; all  
associated site works and connection to public  
services.

**Location:** Plot adjacent to, 2, Orchardstown Drive, Rathfarnham,  
Dublin 14, D14W9N1

**Applicant Name:** Marie and Brian Furey

**Application Type:** Permission

(CM)

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

#### **Site Description:**

The two storey, semi-detached dwelling with a single storey extension to side is located on a corner site with a large front and side garden. The site is located at the junction of Anne Devlin Road and Orchardstown Drive. The existing building line of No. 2 and No. 4 (subject site and adjoining property) is not consistent with the building line of the houses located further west along Orchardstown Drive.

Site Area: 0.0692 Ha.

Site Visit: 28/03/22

#### **Proposal:**

Construction of new detached, two storey dwelling in the side garden with shared vehicular access; increase in width of existing vehicular access to 3.5m; all associated site works and connection to public services.

#### **Zoning**

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

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### Screening for Strategic Environmental Assessment

No overlap with the relevant environmental layers.

### Consultations:

Environmental Services:

Surface Water	Requests Additional Information.
Flood Risk	No Objection, subject to conditions.
Irish Water	Requests Additional Information.
Roads	No objection, subject to conditions.

### Submissions/Observations /Representations

None.

### Relevant Planning History

**SD18A/0030** – Permission **granted** on this site for demolition of existing single storey element to the rear of the existing house. Construction of new detached, two storey dwelling in the side garden. Increase in width of existing vehicular entrance by 3.5m. All associated site works and connection to public services. This permission has not been implemented to date and will wither on 13<sup>th</sup> August 2023 (including Covid and Christmas days).

### Other Sites

**SD18B/0176** at 26 Anne Devlin Road (opposite site) – Permission **granted** for Two storey extension to the front side of the existing house, external insulation of the existing house, 1 'Velux' type roof light to the front, 2 dormer windows to the side and the rear of the existing roof, some internal alterations and associated site works.

**SD20A/0220** at **56 Ballyroan Road** (nearby, referenced by applicant as precedent) – Permission **granted** for Four bedroom, two storey plus roof space accommodation residential unit including the demolition of existing side extension; rear facing second floor dormer window; new side vehicular access to accommodate two cars; relocated pedestrian access; site landscaping and all other site works.

### Relevant Enforcement History

None.

### Pre-Planning Consultation

None.

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**Relevant Policy in South Dublin County Development Plan (2016-2022)**

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

**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 and materials and finishes. Larger sites will have more flexibility to define an independent character. Significant site features, such as boundary treatment, 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 sub-division, 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:

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The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

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 11.6.1 (i) Flood Risk Assessment

Section 11.8.0 Environmental Assessment

#### **Relevant Government Policy**

##### **Ministerial Guidelines and Policy**

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

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

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

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)

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

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**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

Circular NRUP 02/2021 - Residential Densities in Towns and Villages

### **Assessment**

The main issues for assessment are:

- Zoning and Council policy;
- Visual Impact and Residential Amenity;
- Access, Transport and Parking;
- Water;
- Environmental impact assessment; and
- Appropriate assessment.

### **Zoning and Council Policy**

Permission was granted on this site for a detached two storey dwelling under SD18A/0030. The permission is still live.

A new dwelling is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 – 2022, and other relevant policies and objectives of the Plan. Development in corner gardens is guided by section 11.3.2 (ii) of the Plan.

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#### **Visual Impact and Residential Amenity**

The proposed development provides for a contemporary 3-storey house on a corner site. The house would be distinctive in design and would be located slightly at odds to the alignment of the existing house. The existing house is located on a corner and is angled to face into the junction. This is not an unusual arrangement but in this case the house does not occupy the 'centre' of the corner, being wholly behind the rear building line of houses on Anne Devlin Road. The existing house has also had a major extension to the side, which is accommodated in whole in the subject application.

#### Residential Amenity

The proposed house is very large at 131sq.m. but provides only 1 bedroom, a study (which is easily sized to be a second bedroom) and a habitable attic room. It is considered that essentially this would be a 3-bed house and available on the market as such. The design complies with the 2007 Quality Housing for Sustainable Communities but could be improved with the provision of more storage off circulation areas. The applicant could consider this in their response to the **request for additional information**.

#### Design

The contemporary design is not unacceptable in principle, and other examples are noted in the council. The squared dormer-style edge of the attic level roof at its closest point to the existing house would be considered as a visual disruption however and should be revised. This can be addressed by **additional information** or condition.

#### Private Amenity Space

The applicant has not provided satisfactory private amenity space on the site. The permitted scheme provided for a function space to the east of the dwelling; the proposed scheme compromises this by extending the proposed dwelling into this space. Adequate space may be provided in quantitative terms around the side and rear of the house, but the space would not function.

The permitted scheme shows that a house can be accommodated on the site without compromising private amenity space. The applicant could revise the proposed layout by way of **additional information** to provide quality private amenity space as per the previously permitted scheme.

#### Overdevelopment

Reduced private amenity space for a scheme such as this may suggest overdevelopment of the site. In this case, a corner development is being proposed on a site which already accommodates a very large side extension to the original house.

The impact of the proposed scheme is to provide a house that keeps no building line, does not integrate architecturally, and would be sited such that private amenity space is compromised on the site.

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

The permitted scheme is considered to represent a reasonable solution on the site. The proposal – which entails design and layout changes – should conform more to that scheme in terms of having some relation to existing building lines and therefore integrating into the area.

The applicant has referred to SD18B/0176 on Anne Devlin Road. This development, while certainly unusual in size and not a typical example of house extensions permitted by South Dublin County Council, is an extension to a house. The provision of a new detached house is a different prospect.

The applicant should address the issue of siting and/or building lines by way of **additional information**.

#### **Access, Transport and Parking**

The Roads Department has stated no objection, subject to standard conditions. This is noted and accepted. The vehicular access layout is the same as that previously permitted.

#### **Water**

The SDCC Environmental Services Department has sought additional information regarding SUDs features (not shown in the proposal). Given that the site is currently a garden, it should be possible to ensure retention of rainwater above ground, or infiltration to ground, without the need for an underground tank, in normal weather conditions. Appropriate features could include a blue roof, permeable paving, rain garden or rainwater-fed water feature. This should be dealt with by **additional information**.

Irish Water and the Environmental Services Department have each sought additional details regarding drainage layouts as drainage layouts have been provided. The applicant should provide drainage layouts by way of **additional information**.

#### **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.

#### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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### Conclusion

The proposed provision of a house on this site is acceptable in principle as evidenced by the previous permission on the site. The new proposal would introduce a contemporary design and requires careful consideration. The proposed roof profile, siting and private amenity space should be revisited by way of **additional information**.

### Recommendation

Request further information

### Further information

Further information was requested on 12<sup>th</sup> April 2022 and received on 27<sup>th</sup> July 2022.

### Assessment of Additional Information

#### **Item 1**

The application could be improved with the provision of more storage from circulation areas. The applicant may wish to consider this as part of their response.

#### Response

The applicant has provided a heavily **revised scheme, which specifies a 2-bedroom single storey detached house sited further south within the site**, (formerly a two storey detached house) with vehicular access now proposed from Anne Devlin Road to the east, to the rear of the house, rather than the shared access previously sought. **Open space is now proposed entirely to the front of the house**.

In terms of storage from circulation areas, a wardrobe is proposed to be provided in the corridor running through the proposed dwelling.

#### Assessment

The rationale for the dramatic shift in design has not been properly explained or related to any of the items of additional information included in the council's request.

#### **Item 2**

The contemporary design is not unacceptable, in principle, and other examples are noted in the county. The squared dormer-style edge of the attic level roof at its closest point to the existing house would be considered as a visual disruption however and should be revised. The applicant is requested to consider this aspect and submit revised drawings accordingly.

#### Response

The applicant has opted for a bungalow in a different location on the site.



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#### Assessment

The revised proposal does not respond to the item and, in proposing an entirely new design and location for the development, without a written rationale, it is difficult to establish why the revised design has been chosen.

The proposed development would have a lower visual impact in one sense – that of height and its general character. In another sense, it would be sited forward of the existing buildings and does not respond to the context of the site or housing on adjoining sites.

#### **Item 3**

The applicant has not provided satisfactory private amenity space on the site. The permitted scheme provided for a functional space to the east of the dwelling; the proposed scheme compromises this by extending the proposed dwelling into this space. Adequate space may be provided in quantitative terms around the side and rear of the house, but the space would not function as it tapers off and snakes around the dwelling.

The permitted scheme shows that a house can be accommodated on the site without compromising private amenity space. The applicant is requested to revise the proposed layout by way of additional information to provide quality private amenity space.

#### Response

The revised scheme provides a regular area of open space to the front.

#### Assessment

**The proposed private open space would be located to the front of the site.** To provide adequate privacy and security, a prominent defensive boundary treatment would be necessary, and this would be inappropriate at this corner site location.

The proposed open space could be acceptable as per section Policy H11 Objective 3 of the South Dublin County Development Plan 2022 – 2028, in circumstances where it would be considered necessary. In this case, however, the permitted scheme (SD18A/0030) shows how adequate private amenity space can be provided on the site without creating such a stark conflict between privacy and urban design.

#### **Item 4**

A corner development is being proposed on a site which already accommodates a very large side extension to the original house. The permitted development under SD18B/0176 is noted, but this is not a precedent for a new detached house.

The impact of the proposed scheme is to provide a house that keeps no building line, does not integrate architecturally, and would be sited such that private amenity space is compromised on the site. The permitted scheme is considered to represent a reasonable solution on the site. The proposal – which entails design and layout changes – should conform more to that scheme in terms of having some relation to existing building lines and therefore integrating into the area. The applicant is requested to address the issue of siting and/or building lines and submit revised drawings accordingly.

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#### Response

The revised design is sited further away from existing buildings.

#### Assessment

The applicant has not provided a design response or a written response to item 4 and appears to have ignored the points raised.

#### **Item 5**

(a) The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

The applicant should include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:

- blue/green roof
- Permeable Paving
- Rain Gardens
- Planter boxes with overflow connection to the public surface water sewer where possible.
- Grasscrete
- Water Butts.

(b) The applicant has not submitted surface water drainage plans for the proposed development. The applicant is requested to submit 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 drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow.

(c) The applicant is requested to provide water supply and foul water drainage layout drawings.

#### Response

The applicant has provided revised plans which show the proposed drainage layout, use of permeable paving, and a soakaway. Details of the soakaway and percolation test results have not been provided.

#### Assessment

The Water Services Department has recommended a clarification of additional information, as follows:

- 1.1** Submit a report showing results of percolation tests for proposed soakaway as per BRE Digest 365 Standards.
- 1.2** Submit a drawing clearly showing where proposed surface water network is.  
If a soakaway is proposed same shall have an overflow connection to the public surface water network where this is feasible. Use blue colour coding for surface water network as per colour coding of the Greater Dublin Strategic Drainage Study.
- 1.3** Submit a plan and cross-sectional view of proposed soakaway as per BRE Digest 365 Standards.

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Items 1.1 was not included in the original request for additional information and would be inappropriate to raise as items for clarification on their own. In relation to item 1.2, the applicant should be asked to show an overflow connection to the public surface water network for the soakaway. In relation to this, it would be appropriate to include item 1.3 in a request for **clarification of additional information**.

#### Overall Assessment

The revised design represents a new proposal on the site. The new proposal does not respond to items 1 to 4 which in general or summary terms, sought the following:

1. More storage in circulation areas within the house
2. A revised roof profile, in particular to reconsider the squared edge at second floor level;
3. Adequate private amenity space in terms of quantity and quality, and taking the permitted scheme as an example (SD18A/0030);
4. Revise the design to keep the building lines of surrounding houses as per the permitted development (SD18A/0030);

The applicant has provided a short cover letter explaining that the revised designs are provided in response to items 1 to 4, and that a drainage layout drawing has been provided in response to item no. 5. The response to item 5 is adequate; however, the stark change in design does not respond to the request for additional information. The revised design in fact exacerbates many of the problems identified in the original assessment and is not considered to be an adequate response. Taken on its own merits, the following issues arise from the revised design:

- It does not follow building lines and would be prominently located on the corner site;
- Private open space is provided to the front and would require a highly defensive treatment;
- The orientation of the house does not relate to the street;
- The overall design is a poor response to a constrained infill site;
- The single-storey house is not an efficient treatment of a constrained site.

The proposal represents a step backwards in terms of an efficient response to the site. The existing permission, SD18A/0030, provides for an adequate solution to infill development on the site.

The applicant should be asked to **clarify** how they could accommodate infill development on the site as per the request for additional information.

#### **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. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

#### **Conclusion**

The response to the request for additional information represents a new direction for the design of the development and does not appear to respond to the items contained in the request for additional information. Having regard to the permitted scheme (SD18A/0030) and the Planning Authority's comments on the original proposal under this application, the applicant should be asked to provide clarification as to how the issues posed in the original request for additional information could be resolved on this site and infill development provided, those issues in general terms being:

1. More storage in circulation areas within the house
2. A revised roof profile, in particular to reconsider the squared edge at second floor level;
3. Adequate private amenity space in terms of quantity and quality, and taking the permitted scheme as an example (SD18A/0030);
4. Revise the design to keep the building lines of surrounding houses and taking the permitted scheme as an example (SD18A/0030).

Additionally, the applicant should be asked to clarify if the proposed soakaway can be accommodated on the site, with the submission of percolation testing results.

#### **Recommendation:** Request Clarification of further information

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

1. The response to the request for additional information represents a significant new direction for the design of the development and does not appear to respond to the items contained in the request for additional information. Having regard to the permitted scheme (SD18A/0030) and the Planning Authority's comments on the original proposal under this application, the applicant is requested to provide clarification as to how the issues posed in the original request for additional information could be resolved on this site and infill development provided, those issues in general terms being:
  1. More storage in circulation areas within the house
  2. A revised roof profile, in particular to reconsider the squared edge at second floor level;
  3. Adequate private amenity space in terms of quantity and quality, and taking the permitted scheme as an example (SD18A/0030);
  4. Revise the design to keep the building lines of surrounding houses, and taking the permitted scheme as an example (SD18A/0030).

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2. Soakaway.  
The applicant is requested to clarify:
  - (a) by way of drawings, that the soakaway shall have an overflow connection to the public surface water network, if feasible.
  - (b) the design details of the soakaway by way of a plan and cross-sectional view, as per BRE Digest 365 Standards.
3. The applicant is advised that the amended scheme represents significant further information and is requested to readvertise as such in accordance with the Planning Regulations.

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**REG. REF. SD22A/0053**

**LOCATION: Plot adjacent to, 2, Orchardstown Drive, Rathfarnham, Dublin 14, D14W9N1**

*jjohnston*  
\_\_\_\_\_  
Jim Johnston,  
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:** 23/8/22

  
\_\_\_\_\_  
Eoin Burke, Senior Planner