

Comhairle Chontae Atha Cliath Theas

PR/1105/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0318 **Application Date:** 01-Jul-2022
Submission Type: New Application **Registration Date:** 01-Jul-2022

Correspondence Name and Address: Colm Dalton 2, Anne Devlin Avenue, Rathfarnham, Dublin 14

Proposed Development: Part attic conversion with dormer window; extension to roof at rear of main house to create 2 new habitable rooms (bedroom and bathroom) in attic space including 2 Velux windows along with internal alterations throughout house.

Location: 2, Anne Devlin Avenue, Rathfarnham, Dublin 14

Applicant Name: Colm Dalton

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Area

0.069130 Hectares.

Site Description

The property is located on a corner site fronting on to Anne Devlin Avenue with access also on Anne Devlin Drive. The property consists of a one and half storey, semi-detached dormer style dwelling with a pitched roof and dormer window to the front, a single storey rear extension in use as a granny flat with delineated rear entrance, pitched roof, separate access and off street parking. There is a shed to the rear of concrete block construction with a lean-to roof. The area is predominantly residential in nature where surrounding dwellings in the vicinity have a mainly uniform building line.

Proposal:

- Part attic conversion with dormer window;
- extension to roof at rear of main house to create 2 new habitable rooms (bedroom and bathroom) in attic space including 2 Velux windows along with internal alterations throughout house.

Zoning:

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

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Consultations:

Irish Water - No report received.

Surface Water Drainage - No objection subject to standard conditions

SEA Sensitivity Screening

No overlap with relevant layers

Submissions/Observations /Representations

None.

Relevant Planning History

Subject Property

SD22B/0014 – Permission **granted** for attic conversion with dormer window extension to roof at rear of main house, to create habitable rooms in attic space including 2 'Velux' windows along with internal alterations.

G411 (PC 10443) – 1/3/1974

WA 2098 – 22/10/1981

91A 0526 – 5/4/1991 – Granny Flat Ext totalling 43.05 sqm

Adjacent Property

SD19B/0235 - **GRANT PERMISSION FOR RETENTION** - 1A, Orchardstown Avenue, Rathfarnham, Dublin 14 for retention of revised layout and configuration of the 5 windows to the west gable; revised pitched roof profile to the single storey rear return from single ridge to double ridge construction; increase in width by 0.875m of the single storey rear return construction; addition of a high level roof window to the rear of slope; addition of 2 high level roof windows to pitched roof slopes of the single storey rear return construction.

SD19B/0008 - **GRANT PERMISSION FOR RETENTION** - 1, Orchardstown Avenue, Rathfarnham, Dublin 14 for retention of the construction of dormer window of similar style to the adjacent dwelling, with pitched roof construction to the front elevation.

SD18B/0395 - **GRANT PERMISSION** - 1, Anne Devlin Avenue, Rathfarnham, Dublin, 14 for second storey dormer extension at rear of dwelling.

SD15B/0029 - **REFUSE PERMISSION FOR RETENTION** - 23, Orchardstown Avenue, Dublin 14 for retention of the existing fenestration to the upper floor bedroom at the north west corner of the property, thereby superseding Condition 2a(ii) and 2a(iii) to the amended final grant of permission SD13B/0042.

Decision of An Bord Pleanála - **GRANT PERMISSION**

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Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded.

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

Section 6.8.2 Residential Extensions

Policy H14 Residential Extensions

Section 12.6.8 Residential Consolidation

(v) Extensions

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

Attic conversions and dormer windows

- *Use materials to match the existing wall or roof materials of the main house.*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.*
- *Locate dormer windows as far back as possible from the eaves line (at least three tile courses).*
- *Relate dormer windows to the windows and doors below in alignment, proportion and character.*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*

Section 11.3.2 (ii) Corner/Side Garden Sites of the South Dublin County Council Development Plan 2016-2022:

- *in order to avoid blank facades and maximise surveillance of the public domain.*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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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 concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Service Water and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR).

Zoning and Council Policy

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. A development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.3 which relates to Extensions to Dwellings.

The proposed development has already been granted permission (SD22B/0014). The applicant has submitted this application in order to have their bonds & contributions reassessed.

Residential and Visual Amenity

Residential Amenity

The proposed development would provide 16.58sq.m as stated of habitable space which would be in line with the consolidation and sustainable development of the area. This would provide for a new bedroom and bathroom at attic level, to complement the existing attic accommodation. This is acceptable.

Visual Amenity

Having regard to the previous permission applying on the site, and the fact that the dwelling is one and a half storeys and therefore less visually prominent than a two storey dwelling, the location of the proposed dormer is considered acceptable.

Service Water and Drainage

The proposed development has raised no objections bar the standard conditions.

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Screening for Appropriate Assessment (AA)

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment (EIAR)

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.

Development Contributions

Development Contributions Assessment Overall Quantum

Proposed Attic Conversion:	16.58sq.m
Previous Extension:	43.05sq.m
Assessable Area:	16.58sq.m

SEA Monitoring Information

Building Use Type Proposed:	
Floor Area:	1658sq.m
Land Type: Urban Consolidation.	
Site Area:	0.069130 Hectares

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 - 2028, and the scale of the proposed development, it is considered that the proposed attic conversion with rear dormer window would be acceptable.

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

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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. (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

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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 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.

3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,732.44 (one thousand seven hundred and thirty two euros and forty four 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

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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.

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.

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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/0318

LOCATION: 2, Anne Devlin Avenue, Rathfarnham, Dublin 14



**Sarah Watson,
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: 25/08/2022


**Colm Harte,
Senior Executive Planner**