

Comhairle Chontae Atha Cliath Theas

PR/1113/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0122 **Application Date:** 25-Apr-2022
Submission Type: Additional **Registration Date:** 02-Aug-2022
Information

Correspondence Name and Address: Peter Pearson Evans Architect 24, Woodlands Avenue, Dun Laoghaire, Co. Dublin, A96 E3C4

Proposed Development: Extension at first floor level to rear of existing first floor level apartment consisting of three bedrooms, two bathrooms, roof terrace and solar panels.

Location: 14, Kennelsfort Road Lower, Palmerstown, Dublin 20

Applicant Name: Melanie Lee

Application Type: Permission

(SW)

Description of Site and Surroundings:

Site Area: stated as 0.0262 ha

Site Description:

The site contains a mid-terrace property. The ground floor is in retail use and the upper floor is in residential use. The property is part of a parade of shops on Kennelsfort Road Lower. Residential development is situated on the north west side of Kennelsfort Road. There is an existing laneway extending from Nos 8/10 Kennelsfort Road Lower to the rear of No 16, providing access to the rear of the property. There is a bus stop outside the property.

Proposal:

Extension at first floor level to rear of existing first floor level apartment consisting of three bedrooms, two bathrooms, roof terrace and solar panels.

Zoning:

The subject site is subject to zoning objective VC - *'To protect, improve and provide for the future development of village centres'* under the South Dublin County Council Development Plan 2016-2022.

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Consultations:

Water Services – No objections, subject to conditions.

Roads – No objections, subject to conditions.

Parks – No report received at time of writing.

Irish Water – No objections, subject to conditions.

TII – No observations.

SEA Sensitivity Screening

No overlap with relevant environmental layers.

Submissions/Observations /Representations

None received.

Relevant Planning History

Application site:

None.

Adjacent sites:

SD12A/0207 Retention of the change of use of part of the ground floor of a retail unit from an auctioneer's office to a funeral directors' office. **Grant Permission for Retention**

ED11/0038 Continuation of existing office use. **Declared not exempt**

Relevant Enforcement History

None traces to subject site

Pre-Planning Consultation

None for this proposal.

PP123/19 change of use of part of the ground floor from retail space to residential use. Together with recreational garden space and off street car parking. The development will remain the existing two bed first floor apartment and will provide an additional two 1-bedroom apartments and one duplex 2-bedroom apartment

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Policy H13 Private and Semi-Private Open Space

Policy H15 Privacy and Security

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation: It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing

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viability of social and physical infrastructure and services and meet the future housing needs of the County.

Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Objective 5: To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

Policy H18 It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

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

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (iii) Backland Development

Backland Development should meet the following criteria:

- The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:*
- Be guided by a site analysis process in regard to the scale, siting, and layout of development.*
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.*
- Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.*
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

Section 11.3.2 (iv) Dwelling Sub-Division and Upper Floors Dwelling sub-division and 'over the shop' accommodation should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments and contribute positively to the established

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character and amenities of the area. The design of 'over the shop' housing should include mitigation measures to address possible sources of external noise. A separate, distinctive point of entry with an identifiable address should also be provided. Dwelling sub-divisions should preserve the established character and amenities of the area.

At the discretion of the Planning Authority and subject to appropriate safeguards to protect residential amenity, reduced internal space, open space and car parking standards may be considered in exceptional circumstances for dwelling subdivisions or 'over the shop' accommodation, subject to compensating amenity features that maintain the residential amenities of the development and/or the area.

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

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide, 2010

The House Extension design guide contains the following guidance on house extensions, including in particular:

- *Respect the appearance and character of the area;*
- *Provide comfortable internal space;*
- *Do not overlook, overshadow, or have an overbearing impact on neighbouring properties;*
- *Conserve water and save energy where possible;*

For 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.*
- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

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Relevant Government Guidelines

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

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

Apartment Guidelines (2020)

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- vehicular access and car parking,
- services and drainage.

Zoning and Council Policy

The site is located in an area which is zoned 'VC' '*To protect, improve and provide for the future development of village centres*'. Residential development is permitted in principle under Zoning Objective 'VC'.

The proposal relates to the extension of an upper floor apartment, as such, the policies which favour the development of apartments at upper floors of existing commercial premises are not applicable (e.g., section 11.3.2 (iv) of the CDP).

As the proposal is not a house, but rather an apartment, the 'House Extension Design Guide' is also not applicable.

Whilst not providing individual new units, the proposal is for development to the rear of existing premises and is, therefore, considered 'backland'. Policy H17 is therefore considered relevant in this instance. The Apartment Guidelines are also considered to be relevant in this instance.

Residential & Visual Amenity

The proposed development would take place to the rear of the first floor flat and would be situated on top of the existing flat roof retail premises. A hall (including small w/c), with a terrace and open areas either side, that would connect from the existing flat to the proposed extension to the rear. The total length of the proposed extension is approximately 12.3m. The area of the terrace would be approx. 3.3m long. The extension would be 7.25m wide. The hall area would have a flat roof with an overall height of 2.3m, as would the rear section (internal

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height would be 2.2m). The central section would be pitched with an overall height of 3.3m. The internal height of this element would be 2.4m. An area of incidental green space would be provided to the rear. It is noted that the terrace would have an obscure glazed privacy panel, as would the small area of open green space to the northeast side of the hall & w/c.

Residential Amenity – Adjacent Properties

The guidance states:

A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy.

In this instance, windows are proposed on the northwest and southeast elevation only. Opaque glazing would be provided on the side elevations. It is noted that there are no residential properties to the rear of the proposed development. There are therefore no windows within 22m of the windows proposed for this development.

The proposal is at the first floor and therefore does not impact the amenity space for the existing flat and it is noted that there is no dedicated open space at present.

As it would take place at first floor, the extension would have a height of 5.75m to eaves and an overall height of 6.75m. It is noted that the majority of the built development does not commence until after the 3.3m hall / amenity area, however, given the overall height, length, and width of the proposed development, it is considered that it would have an overbearing impact and could result in overshadowing. It is noted that the use of the upper floors of the adjacent buildings is unknown, however, the submitted plans indicate a garden area at No16.

Given that the use of the upper floors of the shopping parade is unknown, there is potential for the proposed development to have a negative impact.

The proposal, in its current form, is considered to have an unacceptable impact on the adjacent occupiers. The applicant is, therefore, requested to provide a revised proposal via **additional information**. This revision should:

- reduce the rearwards projection of the extension at first floor to ensure it does not fall within 45degrees of the habitable windows of the adjacent properties
- provide an adequate level of screened amenity space to the rear of the proposed extension.
- provide internal floor to ceiling height of no less than 2.4m to ensure the proposed extension is habitable.
- provide a schedule of how the revised apartment is in keeping with *Sustainable Urban Housing: Design Standards for New Apartments* (2020)

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Residential Amenity – Future Occupiers

It is noted that the existing flat would be reorganised, and the proposed development would provide the following space:

- Total floor area – 140sq.m
- Kitchen / living / dining – approx. 7.75m x 4.8m and 2.3m x 2.5x (42. 95sq.m)
- w/c 1.3m x 2.3m (2. 99sq.m) – internal height 2.2m
- Storage – 1.8m x 0.7m (1. 26sq.m)
- Bathroom – 2.1m x 2.2m (4. 62sq.m)
- Bed 1 – 3m x 3m (9sq.m) 2.4m internal height
- Bed 2 – 3.4m x 3.1m (10. 54sq.m) 2.4m internal height (additional area approx. 6sq.m with lower internal height)
- Bed 3 – 2.8m x 3.5m (9. 8sq.m) 2.4m internal height (additional area approx. 4. 25sq.m with lower internal height)
- Terrace – 10. 2sq.m

In accordance with the apartment guidelines:

- SPPR 3: 3-bedroom apartment (5 persons) 90 sq.m
- Appendix 1:

Apartment type ***	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Three bedrooms	3.8 m	34 sq. m

Type	Minimum width	Minimum floor area
Studio	4m**	30 sq m**
Single bedroom	2.1 m	7.1 sq m
Double bedroom	2.8 m	11.4 sq m
Twin bedroom	2.8 m	13 sq m

- Minimum aggregate bedroom floor areas 31. 5sq.m
- Minimum storage space requirements 9 sq.m
- Minimum floor areas for private amenity space 9 sq.m
- Minimum floor areas for communal amenity space 9 sq.m

It should be noted that bedrooms 2 and 3 would only meet the minimum requirements for double and twin bedrooms respectively if the area with lower internal height was included. The

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minimum storage area would not be met. There are also concerns that not all the internal areas would have what is considered to be a habitable height.

Overall, there are concerns regarding the level of amenity for the future occupiers of the property.

As stated above, relevant revisions have been requested via **additional information**.

Design and Impact on Streetscene

It is noted that the house extension design guide is not applicable in this instance. Whilst the proposal would not create additional units, it is considered that the policy relating to backland development is relevant in this instance.

Section 11.3.2 (iii) Backland Development:

- The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:
- Be guided by a site analysis process in regard to the scale, siting, and layout of development. ***It is noted that no analysis has been provided.***
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area. ***The proposal would not be in keeping with the established pattern of development of the area.***
- Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking. ***There are potential overshadowing impacts, due to the extent of the development at first floor***
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity. ***Accessibility is sufficient.***

By virtue of the fact that the proposal is a two storey development to the rear of the shopping parade, it is considered that it is not in keeping with the character and appearance of the area.

As stated above, a revised proposal may be more in keeping with the character of the area.

Vehicular Access & Parking

The Roads Department has stated that there are no objections, subject to the following conditions:

1. *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.*
2. *The vehicular access point shall not exceed a width of 3.5 meters.*

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3. *Any gates shall open inwards and not outwards over the public domain.*
4. *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.*
5. *The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*

It is noted that the proposed development is in a village centre location. A number of the conditions in the Roads report are not applicable.

Services & Drainage

Water Services and Irish Water have raised no objections to the proposed development, subject to conditions.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, it is considered that proposed development would adversely impact on the residential and visual amenities of the area. The applicant is, therefore, requested to submit a revised proposal to extend the flat, via **additional information**, which has an acceptable impact.

Recommendation

Request additional information.

Additional information requested: 21 June 2022

Additional information received: 2 August 2022

Consultations:

Roads – No objections.

Irish Water – No objections, subject to conditions.

Water Services – No objections, subject to conditions.

Parks – No comments.

County Development Plan 2022-2028

Since the request for additional information was made, the Council has adopted a new CDP. Under the new CDP, the land retains the same zoning, i.e., 'VC'. 'Residential remains Permitted in Principle in accordance with the County Development Plan (CDP) land use zoning matrix. The principle of extending the flat is therefore still acceptable. The following policies are applicable to the proposed development:

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Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H11: Privacy and Security Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

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 G11: Overarching

G11 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.

Policy E3: Energy Performance in Existing and New Buildings Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

Policy SM7: Car Parking and EV Charging

Policy IE1: Overarching Policy Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

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Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5 Quality Design and Healthy Placemaking

12.6 Housing - Residential Development

12.6.7 Residential Standards

12.6.8 Residential Consolidation

Extensions

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the *South Dublin County Council House Extension Guide* (2010) or any superseding standards.

Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- Be guided by a site analysis process in regard to the scale, siting and layout of development;
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;
- Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.11.1 Water Management

The site is within Strategic Corridor 4: Liffey Valley Corridor.

The subject application does not result in any increase in footprint as it is at first floor and would introduce areas of grass, that are not in place at present. The site is located within a

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Primary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4) and Table 4.1. It is noted that the application does not include SuDS measures. Having regard to the location of the site within a Primary Corridor, the introduction of private amenity grassland, the lack of the footprint increase, it is considered that there would be no negative impacts on GI in this instance and the proposal would accord with Policy Objectives GI1 Objective 4, GI4 Objective 1, GI2 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.

Other than the introduction of GI policies, there has been no significant change to the policy context for assessing the proposed development.

Assessment:

Item 1:

The proposal, in its current form, is considered to have an unacceptable impact on amenity. The applicant is, therefore, requested to provide a revised proposal. This revision should:

- Reduce the rearwards projection of the extension at first floor to ensure it does not fall within 45degrees of the habitable windows of the adjacent properties
- Provide an adequate level of screened amenity space to the rear of the proposed extension.
- Provide internal floor to ceiling height of no less than 2.4m to ensure the proposed extension is habitable.
- Ensure there are no windows on the side elevations.
- Provide a schedule indicating how the revised apartment is in keeping with Sustainable Urban Housing: Design Standards for New Apartments (2020)

Applicant's response:

The rearwards projection of the extension has been omitted and the extension foreshortened and is compliance with the parameters for Design Standards for New Apartments. See enclosed schedule.

Architectural treatment is discrete.

Design ensures no overshadowing of Nos12 or 16. Site coverage for No12 is 100% with no windows at ground floor.

Dwg 01-005.Rev A shows 45 degree line does not impinge on habitable windows of Nos 12 or 16.

Screening to the rear is opaque glass on concrete block.

Glass block side screens have been omitted.

Floor to ceiling height is 2.4m throughout

Assessment:

The applicant has only considered the hallway element of the development and not the larger extent of the development when assessing the impact on amenity. A small amenity space has

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been provided to the rear of the proposed extension (stated as 8.8sq.m). Noted that the floor to ceiling height is met and that the proposal is generally in compliance with the Design Standards for New Apartments. However, given the rearwards projection of the proposed extension, the Planning Authority is of the opinion that the proposal would have a negative impact on the residential amenity of the adjacent occupiers in terms of overshadowing and overbearing.

There has also been no substantial change to the design and the proposed development is considered to be out of character with the pattern of development in the area.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, it is considered that the proposed development would adversely impact the residential and visual amenities of the area and Planning Permission should be refused.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto: -

SCHEDULE

REASON(S)

1. The proposed first-floor extension, by virtue of the length, width and height would result in result in an unacceptable overbearing impact on the adjoining properties, in particular the rear room windows on Nos 12 and 16 and rear outdoor amenity space of No 16. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to Policy H14 and Section 12.6.8 of the CDP 2022-2028 and is therefore contrary to the proper planning and sustainable development of the area.
2. The proposed development would be visually obtrusive and out of character in this established area, and would be contrary to policy and objectives of the South Dublin County Development Plan 2022-2028 (Policy H14, Section 12.6.8 'Backland Development' and 'Extensions') and is therefore contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22A/0122

LOCATION: 14, Kennelsfort Road Lower, Palmerstown, Dublin 20

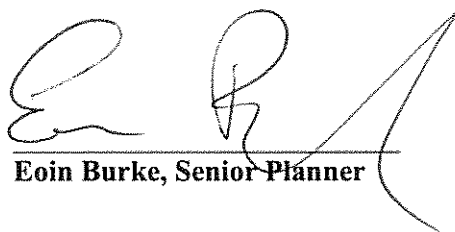
Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

29/8/22


Eoin Burke, Senior Planner