

# Comhairle Chontae Atha Cliath Theas

**PR/1131/22**

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

**Reg. Reference:** SD22B/0325      **Application Date:** 13-Jul-2022  
**Submission Type:** New Application      **Registration Date:** 13-Jul-2022  
**Correspondence Name and Address:** Martin and Alexandra Dermody 46, Templeroan Way, Dublin 16  
**Proposed Development:** Removal of garden wall to front of house; dish footpath; provide suitable hard surface to garden for cars.  
**Location:** 46, Templeroan Way, Dublin 16  
**Applicant Name:** Martin and Alexandra Dermody  
**Application Type:** Permission

(CB)

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

Site Area: 0.0166 ha

#### Site Description:

The subject site located at 46 Templeroan Way, Templeogue, Dublin 16. The semi-detached dwelling is the second last house at the end of its row, within a streetscape of similar type houses. The front garden is separated from the adjoining property at number 48 by low planting and a path gives access to the front door. A small garden is also present at the front, currently comprising grass and a variety of planting and separated from the public footpath by a low-rise boundary wall. The driveway is located to the right leading to a garage and separated from number 44 by a low-rise wall.

**Site Visit: Monday 22/08/22**

### **Proposal:**

The proposed development will consist of:

- The provision of parking for cars in garden at the front of the house;
- The removal of the garden wall to the front of the house;
- The dishing of the footpath to the front of the property;
- The provision of suitable hard surface to garden.

### **Zoning:**

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

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### **Consultations:**

Roads Department: No objection, subject to conditions.

Public Realm Section – no objection.

### **SEA Sensitivity Screening:**

Indicates no overlap with the relevant environmental layers.

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

None received.

### **Relevant Planning History:**

None recorded for the subject site.

### *Adjacent sites*

#### ***48, Templeroan Way, Knocklyon, Dublin 16***

**SD19A/0060:** Construction of 1 two storey, four-bedroom detached dwelling to side of two storey dwelling, in the side garden, with vehicular access to serve house; all ancillary works and following on foot of previously granted permission ref. SD07A/0114.

Decision: **GRANT PERMISSION.**

#### ***48, Templeroan Way, Dublin 16***

**SD07A/0114:** Two storey 4 bed detached house (190sq.m.) to the side of the existing two storey house with new vehicular access for existing house and associated site works.

Decision: **GRANT PERMISSION.**

### **Relevant Enforcement History**

None recorded.

### **Pre-Planning Consultation**

None recorded.

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

#### *Section 7.5 Walking and Cycling*

#### *SM2 Objective 5:*

*To ensure that all streets and street networks are designed in accordance with the principles, approaches and standards contained in the Design Manual for Urban Roads and Streets (2013; updated 2019) so that the movement of pedestrians and cyclists is prioritised within a safe and comfortable environment for a wide range of ages, abilities and journey types.*

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#### *Section 7.8 Road and Street Design*

##### *7.8.1 Design of Urban Roads and Streets*

- *It is the policy of the Council to ensure that streets and roads within the County are designed to balance the needs of all road users and promote placemaking, sustainable movement and road safety providing a street environment that prioritises active travel and public transport.*

#### *SM5 Objective 1:*

*To ensure that all streets and street networks are designed to passively calm traffic through the creation of a self-regulating street environment that promotes active travel modes and public transport.*

#### *Section 7.10 Car Parking*

#### *SM7 Objective 9:*

*To ensure that car parking is designed in such a manner as to promote visual amenity, green infrastructure, carbon sequestration and sustainable drainage (SuDS) by applying the following requirements:*

- *Provision of landscaping integrated into the design of all car parking, to include planting of native trees and pollinator species;*
- *Provision of not more than two parallel or five perpendicular spaces between trees / planting bays;*
- *Use of permeable paving, where appropriate.*

#### *SM7 Objective 10:*

*To ensure that parking provision, including the provision of EV charging facilities, does not detract from the comfort and safety of pedestrians and cyclists, visual amenity or the character of an area (refer also to Chapter 10: Energy).*

#### *SM7 Objective 11:*

*To review and seek to improve the issue of on-street car parking in housing estates to eliminate any road safety or social issues they present, where issues of safety are clearly identified.*

#### *Section 12.7 Sustainable Movement*

##### *Section 12.7.4 Car Parking Standards*

##### *Section 12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

##### *12.7.6 Car Parking Design and Layout*

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#### ***Widening of Driveways to Accommodate In-Curtilage Parking***

*Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:*

- *A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;*
- *Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;*
- *Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.*

*Section 12.3.1 Appropriate Assessment*

#### **Relevant Government Guidelines:**

*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.*

*NTA Transport Strategy for the Greater Dublin Area 2016-2035.*

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

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

#### **Assessment:**

The main issues for assessment relate to

- Zoning and Council policy,
- Residential and visual amenity,
- Roads and Access,
- Screening for appropriate assessment,
- Screening for Environmental Impact Assessment.

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#### *Zoning and Council Policy*

The site is located in an area which is zoned 'RES' 'To protect and/or improve Residential Amenity'. The proposed development is consistent in principle with zoning objective 'RES'. The principle of widening a vehicular entrance is generally considered to be acceptable, subject to design and having regard to pedestrian safety.

#### *Residential and Visual Amenity*

The proposed development involves the removal of the existing front boundary wall which will provide for the widening of the existing vehicular entrance and the dishing of the footpath.

#### *Boundary Wall*

The County Development Plan 2022-2028 requires that a width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces.

It is required that the proposed width of the overall driveway, including existing and proposed, be no more than 3.5m.

#### *Car Park Surface Area*

The drawings only detail the existing footpath, driveway and grass area fronting the house, as well as the proposed dishing of the footpath to the front of the existing boundary wall, to be removed. No proposed drawing is provided to establish the nature of works proposed to provide for cars in the garden at front of the house as stated in the description of proposed development.

It is required that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, therefore including soft landscaping.

In the event of a grant of permission **conditions** shall be attached limiting the width of the vehicular entrance to a maximum of 3.5 metres (measured from the northern site boundary) and providing hard and soft landscaping provision and SuDs measures.

In general, the proposed development is not considered to negatively impact of residential or visual amenity and in general would be considered acceptable subject to conditions.

#### *Roads and Access*

A report received from the Roads Department has noted no objections, subject to the following condition:

1. *The vehicular access points shall be limited to a width of 3.5 meters.*
2. *Supply a revised layout of not less than 1:100 scale, showing an Autotrack.*

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### ***Appropriate Assessment***

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

### ***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 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.

### **Other Considerations**

#### ***Development Contributions***

N/A

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq. m.)</b>
Residential – widening entrance	N/A
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0166 Ha

### **Conclusion**

Having regard to the:

- Provisions of the South Dublin County Council Development Plan;
- The 'RES' zoning objective;
- the overall design and scale of the development proposed;

It is considered that the principle of the proposed development is generally in keeping with the zoning.

### **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.

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#### **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. Vehicular entrance details.
  - (a) The vehicular access point shall not exceed a width of 3.5 meters as measured from the northern boundary of the site.
  - (b) 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.
  - (c) Any gates shall open inwards and not out over the public domain.  
REASON: In the interests of visual amenity and pedestrian safety.
3. Kerb and footpath.  
The kerb and footpath of the public road at the vehicle entrance(s) shall be,
  - (a) dished and a widened 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.  
REASON: In the interest of public safety and the proper planning and sustainable development of the area.
4. Car parking area.  
The design of the car parking area shall incorporate permeable surfaces and SuDs features.  
REASON: In the interest of sustainable drainage.
5. External finishes.  
All external finishes shall harmonise in colour and texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.

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6. 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 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.

7. Noise.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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.

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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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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; please 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/0325**

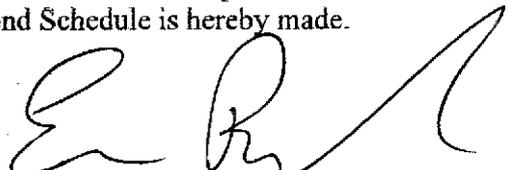
**LOCATION: 46, Templeroan Way, Dublin 16**

*jjohnston*  
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**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:**

6/9/22

  
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**Eoin Burke, Senior Planner**