

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0031 **Application Date:** 03-Feb-2022
Submission Type: Additional **Registration Date:** 08-Aug-2022
Information

Correspondence Name and Address: Michael Finnan Lower Friarstown, Bohernabreena, Dublin 24

Proposed Development: (1) Demolition of existing single storey garage and rear single storey extension; (2) construction of a new two storey, semi-detached dwelling house with an attic conversion and widening existing vehicular access to serve existing dwelling house at 29 Ballyboden Road, Rathfarnham, Dublin 14.

Location: 29, Ballyboden Road, Rathfarnham, Dublin 14

Applicant Name: Stella Browne

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The site currently accommodates a 2-storey, semi-detached house with single-storey garage and storage shed to the side and rear. The house has a pitched roof and is treated with pebble-dash render. The site is bounded to the north by the attached property (No. 27) and to the south by a laneway which is not accessible due to provision of gates.

The house corresponds to houses of similar character to the north in Willbrook Park, many of which are terraced but which have pitched roofs and the same material treatment as the existing house. The houses immediately to the south of the adjoining laneway are larger semi-detached houses with hip-and-valley roofs and a different material treatment (brick to ground floor, smooth render to first floor, rough render to side elevation). The site is therefore located at a point of character transition.

Site Area: 0.028 Ha.

Site Visit: 21/3/2022

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Proposal:

- (1) Demolition of existing single storey garage and rear single storey extension;
- (2) construction of a new two storey dwelling house with an attic conversion and widening existing vehicular access to serve existing dwelling house.

NB: The site notice describes the proposed house as 'semi-detached' whereas it would create a terrace of 3 units and would more properly be described as an 'end-of-terrace' house.

Zoning

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

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.
Public Realm	No objection, subject to conditions.

Submissions/Observations /Representations

The Fonthill Residents' Association has objected to the scheme on the following grounds:

- Contrary to principles of proper planning and sustainable development.
- Contrary to South Dublin County Development Plan 2016 - 2022.
- Height
- Public safety concerns regarding laneway.
- Easier access to laneway following removal of hedgerow.
- Structural concerns for foundations of the lane wall and gate.
- Additional vehicular laneway.
- House will not be semi-detached, but a terraced house, not in keeping with the road line appearance.
- Is it an extension to the existing house?

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Relevant Planning History

None on subject site.

Adjoining Site

SD21B/0542 – Permission **granted** by SDCC for removal of existing single storey extension and sheds to side and rear of house; construction of two storey extension to side of house and single storey extension to front of house; new vehicle entrance to front; new boundary treatments.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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).

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

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:

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.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

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).

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

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Assessment

The main issues for assessment are:

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

Zoning and Council Policy

The proposed development 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/side gardens is guided by section 11.3.2 (ii) of the Plan.

Visual Impact

Demolition

The demolition of the garage and storage shed do not pose any issues having regard to the relevant policies and objectives contained in the South Dublin County Development Plan 2016 - 2022.

New House

The proposed house would be a 2-storey house with pitched roof extended to the full width of the site, with a width of approx. 5 metres to the front, tapering to approx. 4.1m to the back, and a total length at ground floor of 10.3 metres (external). The house would breach the building line of the existing building to both the front and back across the full width of its elevation and at first and ground floor level, by approx. 700mm to front and back. Additionally, a rear return with a flat roof would extend approx. 2.6 metres beyond the existing building line or 1.9 metres beyond the main body of the proposed house.

The pitched roof would be taller than that of the existing house, to which it would be attached.

Considering the above, the house would have an overbearing impact and would give the impression of haphazard development due to the combination of mass and height, both exceeding the existing building line and ridge level of the existing houses. The applicant should be requested to reduce the scale of the development as follows:

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

- (a) Ensure that the building line is kept at first floor level to the front;
- (b) Ensure that the building line is kept at first floor level to the back, for that half of the house which directly adjoins the existing house;
- (c) Ensure that the ridge level matches that of the existing, attached, house, unless the applicant can show a good design rationale for an uplift in building height. If maintaining the proposal in terms of building height, the applicant should revise the design so as to acknowledge the uplift and have a setback from both all four boundaries where that element of the roof pops up above the prevailing height.

This can be addressed as **additional information**.

Typology

The third party has noted that the house would be end-of-terrace rather than semi-detached as described in the notices. This is considered to be an immaterial and subjective item of description in the notices, which are compliant with the requirements of planning notices under the Planning and Development Regulations 2001 as amended. The third party states that an end-of-terrace house would be 'imbalanced and not in keeping with the road line appearance'. As stated in the description, the existing house is the last of a certain character typical of Willbrook park immediately to the north, where most of the houses are terraced houses. There is then a transition in character across the laneway to the larger semi-detached houses on Ballyboden Road (with addresses listed as 'Fonthill Abbey'). Having regard to the transition in character and County Development Plan policies on infill development, the proposal is not considered to be a detriment to residential character or amenity in the area, by virtue of the creation of a terrace of 3 units.

Residential Amenity

Dwelling Size

The applicant states the proposed development to be 78sq.m. and this appears to be correct. This is slightly below the minimum requirement of 80sq.m. in the South Dublin County Development Plan 2016 - 2022 but might be acceptable in the context of infill development, subject to other aspects of the development being acceptable.

Internal Accommodation

There appear to be some deficiencies in the application when compared to the recommendations of the 2007 Quality Housing for Sustainable Communities guidelines. The living room is too narrow and not enough storage space appears to be provided off circulation areas. Each of these can be considered acceptable given the larger kitchen/dining room to the rear and attic storage space proposed (with stairs access), in the context of infill development. However, there are some problems arising from the layout, such as a ground floor toilet opening out to the living room. This aspect may be unavoidable if seeking to provide a useable ground floor W.C. on a site as constrained as this is.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Private Amenity Space

The applicant has not shown the areas for either the proposed rear garden or the rear garden which would remain for the existing house. It appears that about 30sq.m. of space is provided to the rear of the new house, well below the requirement of 55sq.m. under the County Development Plan. Reduced open space provision may be considered in the case of infill development; however, in this case there is little of the design to suggest that compensatory measures would make up for the lack of private amenity space. The private amenity space for the existing house also appears to be compromised.

Conclusion

To grant permission to the scheme as proposed would require compromises on overall unit size, living room configuration, storage and private amenity space. Additionally, this would be done for a dwelling that has a large attic space accessible by stairs and which could be converted in the future to a third bedroom. It is considered that the proposed development would constitute **overdevelopment** but that reductions in (i) the size of the dwelling and (ii) the number of bedrooms could result in a suitable infill development. The applicant should be requested to address this by way of **additional information**.

Public Realm

The Public Realm Department has stated its opposition to areas of grass verge being removed for new vehicular entrances. Their report recommends a **condition** for a landscape plan to be agreed in compliance. This may be a fair mechanism for encouraging some mitigation for the loss of green verge on the public footpath. In particular, the flat roof element to the rear may be suitable for a blue roof.

Access, Transport and Parking

The proposed development includes the widening of the existing vehicular access to 3.6m and provision of a new vehicular access to serve the existing house (the proposed house will utilise the existing access). Each driveway will be approx. 9m in length and wide enough for a single car (the plans show two cars fitting on each driveway back to back). The Roads Department has recommended restricting driveway widths to 3.5m and otherwise proposes standard **conditions**. This is noted and acceptable.

Water

The applicant has shown a surface water connection to a combined sewer, which would be contrary to the South Dublin County Development Plan 2016 - 2022 and the Greater Dublin Drainage Strategy.

The Environmental Services Department has sought **additional information** on two aspects of the development: drainage layouts and SUDs measures. It is considered appropriate that the

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

applicant is requested to confirm SUDs measures for the development which minimise run-off from the site, with the following measures being appropriate:

- Blue roof (on flat roof surfaces);
- Permeable surfaces;
- Water butts;
- Plant boxes.

The applicant should further be requested to show a connection to a surface water only drain. This would require works under the public footpath to connect to drains north or south of the site.

In relation to water supply, Irish Water has sought **additional information**. There is a 12" cast iron water supply pipe located through the laneway approx. 1.7m from the site boundary and the side elevation of the proposed house. The applicant has shown the proposed foundations to be low enough that loading should not occur on the pipe. Irish Water has requested a resolution of this issue or alternatively has recommended that the applicant should seek a confirmation of feasibility from Irish Water where there is less than 5m separation distance from a pipe of that size. This is reasonable and can be the subject of a 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.

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

There are a number of issues relating to the provision of an additional dwelling on the site which require additional information or significant alterations. It is not clear from the plans submitted that an additional dwelling can be accommodated on the site, and thus the development may constitute **overdevelopment** of the site. It is also not clear that the site can be adequately **serviced** in terms of surface water run-off. The applicant should be requested to provide altered plans by way of additional information and be given an opportunity to overcome the issues presented.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Recommendation

Request Additional Information.

Additional Information

The additional information was requested on 30th March 2022 and received on 8th August 2022.

Further Consultations

Water Services	No objection.
Irish Water	No objection, subject to conditions.

Assessment of Additional Information

Item 1

(a) It is considered that the proposed development would constitute overdevelopment but that reductions in

(i) the size and height of the dwelling and

(ii) the number of bedrooms,

could result in a suitable infill development. The applicant is requested to address this by way of additional information.

(b) The proposed development does not appear to provide adequate private amenity space for the existing or proposed dwelling. The applicant should maximise this space in revised plans and also illustrate on those plans the area of private amenity space (in square metres) provided to the rear of both dwellings.

Response

The applicant has reduced the size of the dwelling, providing for a 2-storey 1-bedroom house. The proposed dwelling now matches the existing in terms of height. The Site Layout Plan describes the rear garden as being 37sqm.

Assessment

The house has been reduced in size and would maintain the rear building line, except for a single-storey rear return at ground floor level. The proposed rear dormer has been removed.

The proposed garden of 37sq.m. is too small. Section 12.6.8 of the County Development Plan provides for the following:

- "A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;"

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

The proposed rear garden has been measured as 33 sqm. This is 69% of the minimum standard for a 1-bed house contained in the South Dublin County Development Plan 2022 – 2028 of 48sqm. The omission of the proposed rear return would bring the garden up to an acceptable level. To compensate, the applicant should be required to provide additional ground floor accommodation to the front of the dwelling (i.e... Single storey front extension max 1.5m deep). This can be provided for by **condition**.

Item 2

The proposed house would interrupt both the building line and the ridge level of the existing houses, to which it would be attached. This combination would give the impression of haphazard development and would detract from the residential character of the area and the streetscape. The applicant is requested to reduce the scale of the development as follows:

- (a) Ensure that the building line is kept at first floor level to the front;
- (b) Ensure that the building line is kept at first floor level to the back, for that half of the house which directly adjoins the existing house;
- (c) Ensure that the ridge level matches that of the existing, attached, house.

Response

The applicant has proposed changes to the overall height and plan of the proposed house.

Assessment

The revised proposal complies with the request; however, other issues arise as noted under item 1.

Item 3

The vehicular accesses shall each be limited to a width of 3.5 metres and the applicant is requested to show this in revised plan and elevation drawings.

Response

The applicant has provided for a reduced vehicular access of 3.5m width.

Assessment

The revised proposal complies with the request.

Item 4

Having regard to:

(i) The Environmental Services Department has sought additional information in relation to the sustainable drainage measures proposed, in particular seeking the following appropriate solutions:

- Blue roof (on flat roof surfaces);
- Permeable surfaces;

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

- Water butts;

- Plant boxes;

and (ii) The Public Realm Department has noted the proposed loss of grass verge and expressed its opposition to such a loss.

the applicant is requested to provide a revised SUDs proposal and confirm how surface water infiltration will be maximised on site, run-off rates minimised, and how SUDs features will assist in mitigating the loss of green verge to the front, in terms of biodiversity (through use of pollinators etc.).

Response

The applicant has provided for the following:

See revised drainage layout plan drawing number 12 enclosed

- The very small section of flat roof with the new dwelling, is going to be a planted sedum roof, as indicated on attached drawings
- All patio and driveway spaces with proposed new dwelling are gravelled water permeable surfaces (see drawing number 12)
- Water butts are placed on all surface water downpipe locations for new dwelling
- 4 Plant bee hotel boxes are to be placed on site, back and front in locations as indicated on drawing nr 11, also please note a planted hedge boundary has been included between existing and proposed new dwellings to further improve biodiversity on site (see drawing nr 11 enclosed)

Assessment

The Water Services Department has stated no objection based on the information supplied. This is noted.

Item 5

The proposal appears to propose a direct connection from surface water gutters and water butts to a combined sewer to the rear of the property. A new connection to a combined sewer would be contrary to the South Dublin County Development Plan 2016 - 2022 (Policy IE1 Objective 7), and the Greater Dublin Drainage Strategy. The applicant is requested to investigate alternative possibilities in the area.

Water.

The proposed development is shown as being 1.75m to the centre line of existing 300mm watermain south of site. There should be a setback distance of 5m to the outside diameter of existing 300mm watermain south of site to proposed boundary wall. The applicant is requested to submit a drawing showing a setback distance to existing 300mm watermain to boundary wall as required by Irish Water.

Alternatively, the applicant is requested to obtain a confirmation of feasibility letter from Irish Water and submit same to Water Services, Planning Authority of South Dublin County Council regarding proposed water supply network.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Foul.

The proposed development is approximately 2.5m from boundary wall to existing 225mm foul sewer and Irish Water require a setback distance of 3m between boundary wall and existing 225mm foul sewer west of site. The applicant is requested to obtain a confirmation of feasibility letter from Irish Water and submit same to Water Services, Planning Authority of South Dublin County Council. This relates the setback distance between proposed development and existing 225mm foul sewer west of same.

The applicant is requested to submit a drawing showing proposed foul drain network system up to the point of the public foul sewer.

Response

The applicant has submitted a letter from Irish Water confirming that Irish Water would have no objection to the proposed development, subject to a valid agreement being put in place, including a Deed of Easement.

Assessment

The above is noted and is acceptable.

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

Having regard to the:

- Nature and scale of the works;
- Location of the works within a modified landscape and relative to any designated site;
- Lack of any hydrological connectivity to any aquatic receptors that link to a European site;

It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

Other Considerations

Bonds & Contributions

Planning Reference Number	SD22A/0031
Summary of permission granted & relevant notes:	Demolition of existing extension and construction of new dwelling.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% Reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	78
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	78
Total development contribution due	€8,150.22

SEA Monitoring

Development Type	Industrial/Commercial
Floor Area (Sq.m.)	78
Site Type	Brownfield / Urban Consolidation
Site Area (Ha.)	0.028

Conclusion

Subject to such revisions, as per the conditions attached herewith, the proposed development would comply with the County Development Plan and would not be seriously injurious to any adjoining residential properties or amenities and would therefore accord with the proper planning and sustainable development of the area.

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.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 8th August 2022, 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. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
 - (a) Omission of the ground floor rear return;
 - (b) Provision of a ground floor front extension to the proposed dwelling, across the width of the proposed dwelling, at a depth of 1.5 metres and under an appropriate roof.
 - (c) The moving forward of the internal staircase and understairs bathroom to allow for accommodation of a kitchen area to the rear.REASON: To ensure adequate private amenity space to the rear, and to protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Permission Required for Class 1 & 3 Exemptions.
Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.
REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

4. Roads.
 - (a) Both vehicular access points shall be limited to a width of 3.5 meters.
 - (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) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed driveway entrance.
 - (d) Any gates shall open inwards and not out over the public domain.
Reason: in the interest of pedestrian and traffic safety.
5. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 29.
REASON: In the interest of visual amenity.
6. House Number.

The number of the house shall be 29A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road. In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

 - (a) a street name and dwelling/unit number plan to resolve any possible conflict and,
 - (b) this has been acknowledged as acceptable in writing by the Planning Authority.

Following receipt of an acknowledgement of acceptability, the agreed number / name shall be placed on the completed house prior to occupation in a manner so as to be clearly legible from the public road.

The applicant is advised that the development number or name should

 - (i) avoid any duplication within the county;
 - (ii) reflect the local and historical context of the approved development;
 - (iii) comply with Development Plan policy, the guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government,
 - (iv) have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and;
 - (v) preferably make exclusive use of the Irish language.

The applicant, owner or developer is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required plan.
REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.
7. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

water and/or wastewater connection agreement(s) with Irish Water, including a Deed of Easement as required by Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Drainage - Surface Water.

(a) 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.

(b) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

- The soakaway design, certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

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

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

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

9. 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.

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

10. Construction Noise and Hours.

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.

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €8,150.22 (Eight thousand, one hundred and fifty Euro and twenty-two cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to

Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

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: 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 financial contribution is calculated on the basis of a 78sqm house.

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 is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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.


Comhairle Chontae Atha Cliath Theas

PR/1137/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0031

LOCATION: 29, Ballyboden Road, Rathfarnham, Dublin 14

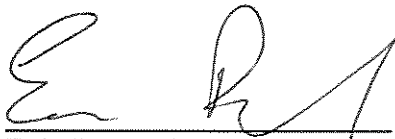


Jim Johnston,
Senior Executive Planner

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:

5/9/22



Eoin Burke, Senior Planner