

# Comhairle Chontae Atha Cliath Theas

PR/1140/22

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

**Reg. Reference:** SD21A/0339      **Application Date:** 13-Dec-2021  
**Submission Type:** Additional      **Registration Date:** 11-Aug-2022  
Information

**Correspondence Name and Address:** Derek Whyte, Whyte Planning Consultants Ltd.  
Great Connell Road, Newbridge, Co. Kildare

**Proposed Development:** Demolition of existing single storey side extension and permission to sub-divide existing house to construct a two storey, semi-detached (end of terrace) house to side; connection to public foul sewer, shared parking space to front and all associated site works.

**Location:** 29, Boot Road, Brideswell Commons, Dublin 22

**Applicant Name:** Jean Feeney

**Application Type:** Permission

### Description of Site and Surroundings

#### Site Area

Stated as 0.0246 Hectares.

#### Site Description

The subject site is a corner site, bound to the north and east by Brideswell Lane, to the west by No. 30 Boot Road and to the south and south-east by Lilliput Lane Creche and Montessori (it is noted that the Creche has the same address as the proposed development but is not outlined within either the red or the blue line on the Site Layout Plan). The Fonthill Road is located 23m to the north-east of the subject site and an area of public open space known as Brideswell Commons is located 23m to the north-west. A narrow footpath runs along the north-eastern boundary of the site, which connects to industrial/commercial type operations historically located in the rear gardens of existing dwellings.

The subject site is currently comprised of 2 No. storey end of terrace three-bedroom dwelling and ancillary shed structures in the rear garden.

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### **Proposal:**

Planning Permission is sought for the following:

- Demolition of the existing single storey structure attached to the eastern elevation of the existing dwelling (approximately 3.4 sq.m).
- Construction of a 2 No. storey dwelling attached to the eastern elevation of No. 29 Boot Road.
- The proposed dwelling has a gross floor area of 80sq.m and is comprised of an entrance hall, store, kitchen/living/dining area and toilet at ground floor level. The first-floor level is comprised of a double bedroom with ensuite and a home office.
- The proposed dwelling is of a modern design with an external finish comprised of black pressed metal standing seam and alu-clad windows and doors. The proposed fenestration is of varying sizes arranged in a non-uniform pattern.
- The proposed dwelling has a flat roof profile with a height of approximately 5.66m and single storey entrance porch with a height of 2.95m and projecting approximately 2.1m out from the adjacent dwelling at No. 29 Boot Road.
- The shape of the proposed dwelling is irregular with an angled external wall running along adjacent to the eastern boundary of the subject site for approximately 10.29m, after which the wall straightens for 2.3m. The rear elevation of the dwelling projects approximately 1.8m from the rear elevation of the dwelling at No. 29 Boot Road and stretches to a width of 6.5m. The front building line will project 2.1m forward of the existing front building line at ground floor level.
- All ancillary site works above and below ground.

### **Zoning and Development Plan Map:**

The subject site is designated with the 'RES' zoning objective in the South Dublin County Development Plan, for which the stated objective is – 'to protect and /or improve residential amenity'.

St. Brigid's Well, Rockfield Drive, Clondalkin, a Protected Structure is located to the east of the subject site on the opposite side of Brideswell Lane.

### **SEA Sensitivity Screening**

Indicates overlap with the Protected Structures Layer owing to the proximity to St. Brigid's Well, Rockfield Drive, Clondalkin

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### Consultations:

- Roads Department: Additional Information required.
- Drainage and Water Services: Additional Information required.
- Irish Water: Additional Information required.
- Parks and Public Realm Department: No objection.
- Department Housing, Local Government and Heritage: No report received.
- Heritage Officer: No report received.

### Submissions/Observations /Representations

Final date for submissions – 25<sup>th</sup> January 2022.

None received.

### Relevant Planning History

#### Subject Site

**SD06A/0755** - Demolition of single storey porch to side of existing house, and the construction of a new attached two storey house (two bed) to side of same and all associated site development works. **Decision: Permission Refused** for the following reasons:

1. Having regard to the pattern of development in the area, it is considered that the proposed house with a frontage of 2810mm, would be out of character with development in the area, represents over-development of a restricted site and would be visually obtrusive when viewed from the Fonthill and Boot Roads. Thus, the proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity.
2. The proposed development of a new house and alterations to the existing house to accommodate this new house, would result in overdevelopment of a restricted site, would be contrary to Section 12.4.6 of the South Dublin County Development Plan 2004 - 2010 and would be injurious to the amenity of neighbouring properties.
3. The proposed development will only provide for approximately 39sq.m. of private open space for the proposed two-bedroom house and less than 50sq.m. for the existing house. The South Dublin County Development Plan 2004 - 2010 requires a minimum of 55sq.m. of private open space for a two-bedroom house and 60sq.m. for a three bedroom house. The proposed development would therefore represent substandard development, providing inadequate private amenity space for occupants of existing and proposed houses. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the

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residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

Having regard to the similar nature of the development previously refused permission under SD06A/0755, the Assessment Section of this Report shall evaluate whether the reasons for refusal have been successfully overcome.

**SD02A/0553** – [Site to the rear of the subject site, which was originally included in the red line site boundary] Extension and alterations to existing crèche and Montessori school, including extension and alterations to existing dwelling. The proposal provides for the construction of new entrance gates, bicycle and bin storage, new entrance hall, staff kitchen (18.1sq.m) new classroom (toddler area 41sq.m) with adjoining children's kitchen and staff toilets. The proposal also provides for a new corridor link from toddler area to existing ground floor dwelling to be converted to 1 no. Montessori classroom (40.6sq.m), the existing first floor of dwelling to be converted to a single apartment unit with new entrance access stair attached to North East elevation, the provision of 3 no. car parking spaces and 1 no. residential parking space to front and side (north west and north east respectively), amendments to boundary perimeter and associated landscaping and site works. **Decision:** Permission Refused.

### Adjacent Site

**S99A/0103** – **Permission Granted** for the continuance of use of Montessori school to the rear of the subject site.

### Relevant Enforcement History

#### Subject Site

**S5538** – No. 29 Boot Road, Clondalkin, Dublin 22.

Alleged operation of an unauthorised car sales business. **File Closed** and no further action taken as following inspection no issues identified.

#### Adjacent Site

**S3195** – Rear of No. 29 Boot Road, Clondalkin, Dublin 22.

Alleged that advertising signs erected for Montessori/creche. **File closed.**

**S2249** – Rear of No. 29 Boot Road, Clondalkin, Dublin 22.

Alleged that advertising signs erected for Montessori/creche. **File closed.**

### Pre-Planning Consultation

None recorded.

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

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

*Policy H17 Residential Consolidation*

*Policy H17 Objective 3:*

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

*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 (i) 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 treatments, 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).

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### *Section 11.3.2 (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.

### *Policy H13 Private and Semi-Private Open Space*

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

### *Policy H14 Internal Residential Accommodation*

It is the policy of the Council to ensure that all new housing provides **a high standard of accommodation** that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

### *Policy H15 Privacy and Security*

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

### *Section 6.4.4 Car Parking*

### *Policy TM7 Car Parking*

### *Section 11.4.2 Car Parking Standards*

### *Table 11.24: Maximum Parking Rates (Residential Development)*

### *Section 11.4.4 Car Parking Design and Layout*

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### *Section 7.1.0 Water Supply & Wastewater*

#### *Policy IE1 Water & Wastewater*

*It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.*

### *Section 7.2.0 Surface Water & Groundwater*

#### *Policy IE2 Surface Water & Groundwater*

*It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### *Section 7.3.0 Flood Risk Management*

#### *Policy IE3 Flood Risk*

*It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.*

### *Section 8.0 Green Infrastructure*

#### *Policy G1 Overarching*

#### *Policy G1 Green Infrastructure Network*

#### *Policy G3 Watercourses Network*

#### *Policy G4 Public Open Space and Landscape Setting*

#### *Policy G5 Sustainable Urban Drainage Systems*

#### *Policy G6 New Development in Urban Areas*

### *Section 9.3.1 Natura 2000 Sites*

#### *Policy HCL12 Natura 2000 Sites*

### *Section 11.3.1 Residential*

*(v) Privacy Dwellings with direct street frontage should generally include a privacy strip of at least 1 metre or a front garden.*

### *Section 11.6.1 (i) Flood Risk Assessment*

### *Section 11.6.1 (ii) Surface Water*

### *Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

### *Section 11.6.1(iv) Groundwater*

### *Section 11.6.1 (v) Rainwater Harvesting*

### *Section 11.6.1 (vi) Water Services*

### *Section 11.7.2 Energy Performance in New Buildings*

### *Section 11.8.1 Environmental Impact Assessment*

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*Section 11.8.2 Appropriate Assessment*

### 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).*

*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).*

*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).*

*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).*

### Planning Note

There are a number of inaccuracies and deficiencies in the information provided by the Applicant:

- **Application Form** – In response to Question 12, the Applicant has indicated 2 sq m of demolition. However, the existing floor plan appears to indicate the proposed area for demolition is 3.38sq m. The Applicant has not responded to Question No. 14, specifically the typology of the units proposed and the existing and proposed car parking spaces at the subject site.



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- **Site Location Map and Site Layout Plan** – The layout depicted on the Site Location Map and Site Layout Plan is difficult to read, for example the road and footpath adjacent to the eastern boundary known as 'Brideswell Lane' is unclear and challenging to measure and assess as impacted by the proposed development.
- **Site Layout Plan** – The Site Layout Plan makes reference to the removal of a front wall for parking, however the wall in question is not shown on the existing drawings.
- **Floor Plans and Elevations** – The ground floor plan indicates that the proposed dwelling will extend forward of the front building line by 2.1m and this appears to be notated on the Front Elevational drawing. However, the Side Elevational Drawing appears to show the proposed front façade flush with the existing front building line.
- **Plans & Section – Existing Works** – The north point annotating the existing floor plans appear to be incorrect. The accuracy of the existing elevations is questioned, for example the chimney is not shown on the adjacent properties and the first-floor window on the eastern elevation is not shown.
- **Plans & Section (Proposed)** – The north point shown on the proposed floor plans does not appear to match that shown on the Site Location Map and Site Layout Plan. The front elevation does not appear to match the floor plans. The section provided does not appear to accurately reflect the floor plans.

Whilst the above deficiencies must be addressed prior to a decision being reached in relation to this Planning Application, an initial assessment of the proposed development shall be carried out below. The inaccurate and missing information should be provided by way of ADDITIONAL INFORMATION to facilitate a full and complete assessment of the proposal.

### Assessment

The main issues for assessment are:

- Zoning
- Planning History and County Development Plan Policy on dwellings on corner sites/side gardens
- Residential Amenity, Visual Impact and Layout, impact on Protected Structure
- Water Services and Drainage
- Access and Roads
- Screening for Appropriate Assessment
- Environmental Impact Assessment

### **Zoning**

The site is subject to the land-use zoning objective, 'RES' – *'To protect and improve residential amenity'*. Residential development is permitted in principle under this zoning objective.

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### Planning History

In assessing the proposed development, it is important to have regard to the similar development which was previously refused permission under SD06A/0755. The 4 No. reasons for refusal cited are assessed below in the context of the proposed development:

- 1. Having regard to the pattern of development in the area, it is considered that the proposed house with a frontage of 2810mm, would be out of character with development in the area, represents over-development of a restricted site and would be visually obtrusive when viewed from the Fonthill and Boot Roads. Thus, the proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity.*

The proposed development of this Planning Application shall be assessed in the context of the current policy of the South Dublin County Development Plan 2016-2022.

- 2. The proposed development of a new house and alterations to the existing house to accommodate this new house, would result in overdevelopment of a restricted site, would be contrary to Section 12.4.6 of the South Dublin County Development Plan 2004 - 2010 and would be injurious to the amenity of neighbouring properties.*

It is noted that the policy context has changed since permission was refused for the development proposed under SD06A/0755. In this regard, the development proposed under the subject Planning Application shall be assessed further throughout the foregoing sections in the context of the current South Dublin County Development Plan 2016-2022.

- 3. The proposed development will only provide for approximately 39sq.m. of private open space for the proposed two-bedroom house and less than 50sq.m. for the existing house. The South Dublin County Development Plan 2004 - 2010 requires a minimum of 50. sq.m. of private open space for a two-bedroom house and 60sq.m. for a three bedroom house. The proposed development would therefore represent substandard development, providing inadequate private amenity space for occupants of existing and proposed houses. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

The proposed development of this Planning Application has been measured by the Planning Authority using the drawings and scale provided by the applicant. The proposed rear amenity space for the existing dwelling would comprise 50. 53sq.m and the proposed rear amenity space for the proposed dwelling would measure 48.1sqm. The proposed amenity space would be below the required 60sqm for the existing 3-bedroom dwelling and would comply with the required 48sqm for a one-bedroom dwelling outlined in Table 11.20 of the County Development Plan.

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- 4. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.*

Provided the proposed development adheres to the policies and objectives outlined in the current Development Plan, the Planning Authority is satisfied that the proposal for a side garden dwelling is acceptable in principle.

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

The potential for the proposed development to impact on the residential and visual amenity of adjacent properties and the surrounding streetscape is assessed below in the context of the relevant policy from the South Dublin County Development Plan 2016-2022.

- The proposed dwelling would project approximately 2.1m forward of the front façade of the existing dwelling at ground floor level and approximately 1.8m out from the rear elevation of No. 29 Boot Road. The proposed height of the flat-roofed structure would be 5.66m which is approximately 0.5m above the existing eaves height of the pitch roof profile of the existing dwelling. It is noted that this would be contrary to Section 11.3.2(ii) of the Development Plan which states that:

*'The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings.'*

Section 11.3.2(ii) of the Development states that:

*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.'*

It is noted that no boundary treatment details have been submitted with the application, it has not been demonstrated that the proposed contemporary dwelling will create a sense of harmony and it is further noted that the site is small and constrained. It is noted that the proposed dwelling is of a modern design and materiality which is contrary to the character and architectural language of adjacent dwellings. Whilst the Planning Authority is not opposed to the adoption of modern design, it is important that it is utilised in the correct context and does not significantly alter the character of the receiving streetscape, which is located in proximity to a Protected Structure. In this

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instance, the Applicant has not provided any justification or rationale for the proposed design of the subject scheme or compliance with the House Design Guide. The Applicant should be requested to re-design the proposed development to address the site context. Alternatively, should the Applicant wish to pursue the proposed modern design a detailed Design Statement outlining the rationale for the design should be provided, along with 3D Imagery showing the proposal within the surrounding receiving context (subject to other issues raised within this assessment).

- The subject site is a prominent corner site bounded on two sides by the Brideswell Lane and a short distance from the Fonthill Road and Brideswell Commons. In relation to development on corner sites, Section 11.3.2(ii) of the Development Plan states that:

*'Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.'*

The Planning Authority considers that the proposed design. Layout and fenestration pattern of the semi-detached dwelling does not maximise the surveillance of the adjacent public domain.

The proposed dwelling appears to be situated directly abutting the eastern boundary of the subject site onto Brideswell Lane. In relation to privacy, Section 11.3.1(v) of the Development Plan states that:

*'Dwellings with direct street frontage should generally include a privacy strip of at least 1 metre or a front garden'.*

Having regard to the above, the Applicant should re-consider the design and layout of the proposed dwelling to include a 1m privacy strip between Brideswell Lane and the side/north-east façade and improve the fenestration pattern at first floor level to increase the passive surveillance to the adjacent public domain below. The applicant should note that ground floor windows should not directly abut the public domain i.e., the public footpath running along the north-eastern boundary. The north-eastern façade should be set back.

In addition to the above, the Planning Authority notes that there is an existing first floor window in the eastern elevation of No. 29 Boot Road which, although not accurately shown on the drawings provided, will be blocked by the proposed development. It is noted that this window is likely to be the only source of daylight to the first-floor hallway of No. 29 Boot Road, it is therefore unacceptable to the Planning Authority that this window be obscured or blocked in any way. Alternative proposals should be submitted demonstrating natural light provided for the internal hallway at first floor level of the existing dwelling.

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The Planning Authority is not satisfied that the proposed works will not have an adverse impact on the residential amenity of the adjacent properties. It detracts from the appearance of the dwelling and is not considered acceptable and does not conform to the South Dublin House Extension Design Guide and the County Development Plan. However, the Planning Authority is not opposed to the principle of residential development at the subject site, provided it is clearly demonstrated that the proposal adheres to the policies and objectives of the Development Plan and the key principles of proper planning and sustainable development. In this regard the applicant should be afforded the opportunity to resubmit a revised design that considers the issues raised above, particularly in relation to the established building line and the inclusion of a privacy strip to the eastern elevation.

It is noted that the ground floor plan indicates that the proposed dwelling will extend forward of the front building line of the existing dwelling by 2.1m and this appears to be notated on the Front Elevational drawing. However, the Side Elevational Drawing appears to show the proposed front façade flush with the existing front building line. The Planning Authority is of the opinion that the proposed front façade of the one-bedroom dwelling should be set behind the existing front façade to lessen the visual impact, unless the applicant can demonstrate how this design aspect will complement the street context.

The internal layout at both ground and first floor level appear to be poorly configured and comprises challenging spaces to furnish. The applicant should be requested to review the internal spaces created by the shape and design of the proposed dwelling and provide a significantly improved habitable layout. Note: The relocation of the façade away from the north-eastern boundary of the site by approximately 0.9-1m and the setting back of the front façade behind the existing front façade of the terrace of dwellings will necessitate a full reconfiguration of the internal layout.

### ***Water Services and Drainage***

The Drainage and Water Services Department and Irish Water have reviewed the proposed development and require the following ADDITIONAL INFORMATION to fully assess the proposed development:

- There is no report showing surface water layout for proposed development. If a soakaway is proposed there is no report showing percolations tests results or drawing showing proposed Soakaway as per BRE Digest 365 Standards. If a soakaway can comply with BRE Digest 365 Standards submit percolation test results and a drawing showing same.

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- There is no drawing showing existing or proposed surface water layout. Submit a drawing showing an existing and proposed surface water layout for the development site.
- Show what SuDS (Sustainable Drainage Systems) are proposed for the development. Examples of SuDS include:
  - Green Roofs
  - Green areas/swales
  - Channel rills
  - Rain garden
  - Permeable paving
  - Planter boxes
  - Water butt/s
  - Other such SuDS
- Contact Water Services in South Dublin County Council prior to submission of above information to discuss same.

Should the Planning Authority be minded to Grant Permission for the proposed development, the Drainage and Water Services Department and Irish Water have advised that the following conditions be attached:

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works
- Prior to the commencement of development, the Applicant shall enter into a water and wastewater connection agreement with Irish Water.

In addressing the ADDITIONAL INFORMATION required by the Drainage and Water Services Department and Irish Water, the Applicant should also have regard to the above recommended conditions and ensure that any amendments applied to the layout and design of the proposal will not preclude the conditions from being complied with.

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### **Access and Roads**

The Roads Department has reviewed the proposed development and require the following ADDITIONAL INFORMATION to fully assess the proposed development:

- A revised layout of not less than 1:100 scale, showing provision of space for 3 on-curtilage parking spaces for both existing and proposed house, including the distance between the front property elevation and the front boundary line (minimum 6.0m).
- A revised layout of not less than 1:100 scale, showing a plan and elevation of vehicular access points limited to a width of 3.5 metres, boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

Should the Planning Authority be minded to Grant Permission for the proposed development, the Roads Department have advised that the following conditions be attached:

- The vehicular access points shall be limited to a width of 3.5 meters.
- 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.
- 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 widened driveway entrance.
- Any gates shall open inwards and not out over the public domain.
- 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.

In addressing the ADDITIONAL INFORMATION required by the Roads Department, the Applicant should also have regard to the above recommended conditions and ensure that any amendments applied to the layout and design of the proposal will not preclude the conditions from being complied with.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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### *Screening for Appropriate Assessment*

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

### Conclusion

Having regard to the 'RES' zoning objective of the site, and the nature and scale of the proposed development, it is considered that the proposal is acceptable in principle. However, there is key information either omitted or apparently presented inaccurately in the documentation provided by the Applicant. In addition, the Drainage and Roads Department require ADDITIONAL INFORMATION to facilitate a complete assessment of the proposed development.

### Recommendation

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

1. The Applicant is requested to address the following inaccuracies in the information submitted:
  - Application Form – In response to Question 12, the Applicant has indicated 2 sq m of demolition. However, the existing floor plan appears to indicate the proposed area for demolition is 3.38sq.m. The Applicant has not responded to Question No. 14, specifically the typology of the units proposed and the existing and proposed car parking spaces at the subject site.
  - Site Location Map and Site Layout Plan – The layout depicted on the Site Location Map and Site Layout Plan is difficult to read, for example the road and footpath adjacent to the eastern boundary known as 'Brideswell Lane' is unclear and challenging to measure and assess as impacted by the proposed development.
  - Site Layout Plan – The Site Layout Plan makes reference to the removal of a front wall for parking, however the wall in question is not shown on the existing drawings.
  - Floor Plans and Elevations – The ground floor plan indicates that the proposed dwelling will extend forward of the front building line by 2.1m and this appears to be notated on the Front Elevational drawing. However, the Side Elevational Drawing appears to show the proposed front façade flush with the existing front building line.
  - Plans & Section – Existing Works – The north point annotating the existing floor plans appear to be incorrect. The accuracy of the existing elevations is questioned,



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for example the chimney is not shown on the adjacent properties and the first-floor window on the eastern elevation is not shown.

- Plans & Section (Proposed) – The north point shown on the proposed floor plans does not appear to match that shown on the Site Location Map and Site Layout Plan. The front elevation does not appear to match the floor plans. The section provided does not appear to accurately reflect the floor plans.
2. The Planning Authority has significant concerns regarding the design and layout of the proposed dwelling. The applicant is requested to re-design the proposal to ensure compliance with the relevant policies and objectives of the Development Plan, having particular regard to the following key issues:
- The proposed dwelling would project approximately 2.1m forward of the front façade of the existing dwelling at ground floor level and approximately 1.8m out from the rear elevation of No. 29 Boot Road. The proposed height of the flat-roofed structure would be 5.66m which is approximately 0.5m above the existing eaves height of the pitch roof profile of the existing dwelling. It is noted that this would be contrary to Section 11.3.2(ii) of the Development Plan
  - It is noted that the proposed dwelling is of a modern design and materiality which is contrary to the character and architectural language of adjacent dwellings. Whilst the Planning Authority is not opposed to the adoption of modern design, it is important that it is utilised in the correct context and does not significantly alter the character of the receiving streetscape, which is located in proximity to a Protected Structure. In this instance, the Applicant has not provided any justification or rationale for the proposed design of the subject scheme or compliance with the House Design Guide. The Applicant should be requested to re-design the proposed development to address the site context. Alternatively, should the Applicant wish to pursue the proposed modern design a detailed Design Statement outlining the rationale for the design should be provided, along with 3D Imagery showing the proposal within the surrounding receiving context (subject to other issues raised within this assessment).
  - The subject site is a prominent corner site bounded on two sides by the Brideswell Lane and a short distance from the Fonthill Road and Brideswell Commons. In relation to development on corner sites, Section 11.3.2(ii) of the Development Plan states that 'Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.' The Planning Authority considers that the proposed design. Layout and fenestration pattern of the semi-detached dwelling does not maximise the surveillance of the adjacent public domain.
  - The proposed dwelling appears to be sited directly abutting the eastern boundary of the subject site onto Brideswell Lane. In relation to privacy, Section 11.3.1(v) of the Development Plan states that 'Dwellings with direct street frontage should

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generally include a privacy strip of at least 1 metre or a front garden'. The Applicant should reconsider the design and layout of the proposed dwelling to include a 1m privacy strip between Brideswell Lane and the side/north-east façade and improve the fenestration pattern at first floor level to increase the passive surveillance to the adjacent public domain below. The applicant should note that ground floor windows should not directly abut the public domain i.e., the public footpath running along the north-eastern boundary. The north-eastern façade should be set back.

- The Planning Authority notes that there is an existing first floor window in the eastern elevation of No. 29 Boot Road which, although not accurately shown on the drawings provided, will be blocked by the proposed development. It is noted that this window is likely to be the only source of daylight to the first-floor hallway of No. 29 Boot Road, it is therefore unacceptable to the Planning Authority that this window be obscured or blocked in any way. Alternative proposals should be submitted demonstrating natural light provided for the internal hallway at first floor level of the existing dwelling.
- The internal layout at both ground and first floor level appear to be poorly configured and comprises challenging spaces to furnish. The applicant is requested to review the internal spaces created by the shape and design of the proposed dwelling and provide a significantly improved habitable layout. Note: The relocation of the façade away from the north-eastern boundary of the site by approximately 0.9-1m and the setting back of the front façade behind the existing front façade of the terrace of dwellings will necessitate a full reconfiguration of the internal layout.
- The proposed development of this Planning Application has been measured by the Planning Authority using the drawings and scale provided by the applicant. The proposed rear amenity space for the existing dwelling would comprise 50.53sqm and the proposed rear amenity space for the proposed dwelling would measure 48.1sqm. The proposed amenity space would be below the required 60sqm for the existing 3-bedroom dwelling and would comply with the required 48sqm for a one-bedroom dwelling outlined in Table 11.20 of the County Development Plan. In this regard the Applicant is requested to redesign the proposed development to ensure that both the existing 3-bedroom dwelling and the proposed 1-bedroom dwelling have sufficient amenity space to comply with Table 11.20 of the County Development Plan.
- It is noted that no boundary treatment details have been submitted with the application, it has not been demonstrated that the proposed contemporary dwelling will create a sense of harmony and it is further noted that the site is small and constrained. The Applicant is requested to submit details of the proposed boundary treatment.

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3. The following additional information is requested to fully assess the proposed development:
- A report showing surface water layout for proposed development. If a soakaway is proposed, a report showing percolations tests results and a drawing showing proposed Soakaway as per BRE Digest 365 Standards should also be provided. If a soakaway can comply with BRE Digest 365 Standards, percolation test results and a drawing showing same are required.
  - A drawing showing an existing and proposed surface water layout for the development site.
  - What SuDS (Sustainable Drainage Systems) are proposed for the development. Examples of SuDS include: -Green Roofs -Green areas/swales -Channel rills -Rain garden -Permeable paving -Planter boxes -Water butt/s -Other such SuDS Prior to providing the above requested information, the Applicant should Contact Water Services in South Dublin County Council to ensure the proposal adequately addresses their concerns.
4. The following additional information is requested by the Roads Department:
- A revised layout of not less than 1:100 scale, showing provision of space for 3 oncurtilage parking spaces for both existing and proposed house, including the distance between the front property elevation and the front boundary line (minimum 6.0m).
  - A revised layout of not less than 1:100 scale, showing a plan and elevation of vehicular access points limited to a width of 3.5 metres, boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

### **Additional Information**

Additional Information was requested on 15<sup>th</sup> February 2022.

Additional Information was received on 11<sup>th</sup> August 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

### **Submissions/Observations**

No submissions / observations received.

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### **South Dublin County Development Plan 2022-2028**

The South Dublin County Development Plan 2022-2028 was adopted on 3<sup>rd</sup> August 2022 and thus the policies and objectives contained therein are applicable to the assessment of this Planning Application. In this regard, the assessment of the revised design proposed in response to the request for Additional Information is outlined below in the context of the potential impact to the residential and visual amenity of the subject site, adjacent properties, and the surrounding streetscape, having regard to the policies and objectives contained in the County Development Plan 2022-2028

It is noted that the zoning of the subject site remains objective 'RES' for which the stated objective is – 'to protect and /or improve residential amenity'.

### **Green Infrastructure**

The site is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028). It is noted that the application includes for SuDS measures in the form of approximately 25 sq.m permeable paving and rainwater butts.

Having regard to the extent of private amenity grassland retained, the scale of the footprint increase and the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

### **Assessment**

The following Additional Information was received from the Applicant on 11<sup>th</sup> August 2022:

- Letter of Response prepared by Whyte Planning Consultants Limited dated 10<sup>th</sup> August 2022.
- Drawing No. JF/PLN-002a – Site Layout Plan prepared by Derek Whyte.
- Drawing No. JF/PLN-003a – Plans, Elevations and Sections prepared by Derek Whyte.
- Calculation of Site Run Off Characteristics.
- 3D Visualisations of the Proposed Development.

The Additional Information provided by the Applicant will be assessed below in the context of the 4 No. items of Additional Information requested by the Planning Authority on 15<sup>th</sup> February 2022:

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### Additional Information Item No. 1

In response to Additional Information Item No. 1 the Applicant has indicated the following:

*'Please find revised plans. We are satisfied that the revised plans comply with all the issues raised in Item 1 of the Further Information'.*

The revised plans provided by the Applicant shall be assessed against each element of Additional Information Item No. 1 below:

- **Application Form** – The Applicant has not provided a revised Application Form clarifying the responses to Question Nos. 12 and 14.

In addition to the removal of part of the front boundary wall, the revised plans provided by the Applicant appear to indicate the demolition of approximately 3.2 sq m affixed to the eastern elevation of the existing dwelling.

The revised plans provided by the Applicant appear to indicate a 1 No. bedroom dwelling with 2 No. off street car parking spaces to be shared between the existing and proposed dwellings.

It is considered that the revised plans successfully address the issues regarding the deficient information in the Application Form.

- **Site Location Map and Site Layout Plan** - The revised Site Layout Plan provides a slightly greater level of detail than the originally submitted Site Layout Plan. The revised drawings render it possible to assess the potential impact of the proposed development on the surrounding streetscape. This assessment shall be outlined further under Additional Information Item No. 2 which relates to the design and layout of the proposed development.
- **Removal of Front Wall** – The revised Site Layout Plan provides a clearer indication of the extent of wall proposed for removal. The removal of the boundary wall and proposed vehicular access arrangements are further assessed under Additional Information Item No. 4 below.
- **Floor Plans and Elevations** – The discrepancy in the original Floor Plans and Elevations appears to have been addressed in the revised drawings, with the drawings now clearly indicating that the proposed dwelling will be flush with the building line created by the existing dwelling.
- **Floor Plans and Section** – The orientation on the floor plans and the discrepancy between the existing layout and the elevations appears to have been corrected on the revised plans. It is noted that the proposed development appears to

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result in the existing first floor level window in the eastern elevation of the existing dwelling being blocked up. With a new rooflight proposed to the rear pitch of the dwelling.

Having regard to the revised information provided by the Applicant, it is considered that Additional Information Item No. 1 has been satisfactorily addressed. However, as previously indicated a more detailed assessment of the revised design and layout of the proposal shall be outlined in the forthcoming section relating to Additional Information Item No. 2.

### Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has indicated the following:

*'The design of the development is a contemporary design with a height of 5.8m. We submit that the proposed revised design has no residential amenity impact on adjoining dwellings, provides considerable passive surveillance on Brideswell Lane, maintains the building line of the existing dwellings and the eaves/ridge height, despite being higher than the eaves height of the adjoining house sits on the site in harmony with the existing house.*

*A revised house design has been proposed, which allows for dual aspect, a privacy strip, and a more usable layout.'*

The revised design is assessed below in the context of the concerns raised in Additional Information Item No. 2:

- According to the revised drawings provided by the Applicant, the proposed dwelling no longer projects approximately 2.1m forward of the front façade of the existing dwelling at No. 29 Boot Road. The revised design of the proposed dwelling matches the front building line. The single storey rear projection of approximately 1.8m remains in the revised design, with a balcony at first floor level of this projection. The elevational drawings provided by the Applicant do not sufficiently depict the balcony to facilitate a complete assessment. In this regard, the Planning Authority has concerns regarding the potential for overlooking to adjacent properties. If the planning authority were minded to grant permission, it would remove this balcony by condition.
- The revised design of the proposed dwelling remains contemporary in nature, with the adoption of modern materiality. It is noted that Additional Information Item No. 2 makes reference to the need to provide a detailed rationale and justification for the contemporary design of the proposal in the form of 3D imagery and an Architectural Design Statement. The Applicant has provided some 3D imagery, however no detailed design statement or rationale for the proposed contemporary design has been provided. The proposed infill dwelling is of a markedly different style relative to the adjoining

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terrace and the proximity of the proposed dwelling to a protected structure (holy well) is also noted. Given the small scale and splayed configuration of the proposed infill dwelling as revised and as shown in the 3D imagery, the proposed dwelling appears subordinate to the terrace and its external appearance is considered acceptable in the streetscape.

- It is noted that in re-designing the proposed dwelling, the level of passive surveillance of the adjacent public realm has been reduced. The originally proposed dwelling included the provision of 2 No. first floor level windows and 1 No. ground floor level window. The revised proposal includes 1 No. window and ground and first floor level. Whilst this reduction in the level of passive surveillance is not ideal on a corner site, it is noted that it represents an improvement on the existing scenario which is comprised of 1 No. narrow window at first floor level.

It is noted that, the revised design of the proposed development essentially flips the originally proposed layout, with the living room and kitchen now proposed at first floor level. Having regard to the revised layout, it is considered that there is an opportunity to provide greater fenestration at first floor level, thus maximizing the passive surveillance of the adjacent public domain.

- The revised design of the proposed dwelling includes the provision of a privacy strip at ground floor level ranging from 1m to 1.5m along the eastern boundary. The first floor level of the proposed dwelling overhangs this privacy strip and is set approximately 300mm to 600mm off the eastern boundary.
- According to the revised drawings provided by the Applicant, the proposed dwelling will continue to block the existing first floor level window of the dwelling at No. 29 Boot Road. However, it is noted that the revised design includes the addition of a roof window to the rear pitch of No. 29 Boot Road, thus providing a source of daylight to the first floor level hallway.
- The internal layout of the dwelling appears to have been flipped with the provision of an entrance hall, an ensuite bedroom and storage space at ground floor level and a kitchen/living/dining room, toilet, and storage space at first floor level. The revised layout appears to meet the minimum standards outlined in the County Development Plan 2022-2028 and the *Quality Housing for Sustainable Communities Guidelines*, DEHLG (2007). Whilst the revised internal layout appears to present a better configuration of the challenging shape of the dwelling, it is noted that the first floor level overhangs the ground floor level by approximately 1m along the side (eastern) and rear façade. This raises a concern regarding the sufficiency of daylight provision to the ground floor level bedroom, which has one 1.2m wide window in the rear façade. This could be overcome through the provision of an additional window on the gable wall serving the ground-floor bedroom.

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- The revised site layout plan appears to indicate private amenity space for the existing house at No. 29 Boot Road and the proposed dwelling which meets the minimum standards outlined in Table 3.20 of the County Development Plan 2022-2028.
- The revised Site Layout Plan (Drawing No. JF/PLN-002A) appears to demonstrate the provision of a 1.8m high boundary wall dividing the rear amenity space of No. 29 Boot Road and the new dwelling. No detail is provided in relation to the boundary treatment along the eastern boundary. It is noted that the existing treatment in this location appears to consist of a low boundary wall with a pedestrian entrance gate to No. 29 Boot Road and a raised wall (approximately 2m in height). Appropriate boundary treatment should be proposed in this location which creates an active interface with the street and facilitates passive surveillance of the adjacent public domain.

If the Planning Authority were minded to grant permission, amendments would be sought to improve the residential amenities of the existing dwelling at number 29 (by removing the balcony element) and the future occupants of the proposed dwelling (by providing a bedroom window to the gable wall at ground floor level).

### Additional Information Item No. 3

In response to Additional Information Item No. 3 the Applicant has indicated the following:

*'The existing house has the benefit of a surface water sewer connection. The proposed development will be serviced by a BRE Digest 365 Soakhole. A 1 sq. m. soakhole will be sufficient to cater for the surface water roof off for this site with an impermeable area of 32 sq. m. A BRE Soakhole of 1m by 1m by 1.2m deep would be sufficient for the development, however the Applicant wishes to use permeable paving to the front boundary to deal with the surface water and also to install two water-butts as shown on the revised site layout plans and site layout plans. Due to the small size of the development, it is submitted that the permeable paving and water-butts can cater for the surface water generation with the soakhole as a secondary option. Capacity requirement calculations attached.'*

The Drainage and Water Services Department have assessed the Applicant's Response to Additional Information Item No. 3, with their Report noting the following:

*'There is no report showing percolation test results for proposed soakaway as per BRE Digest 365 Standards.*

*There is no drawing showing plan and cross-sectional design details for proposed soakaway as per BRE Digt 365 Standards.*



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Water services ***recommend refusal*** of proposed development because there is no percolation test results or design details of proposed soakaways submitted as per BRE Digest 365 Standards.

*The proposed development would be prejudicial to public health and proper planning.'*

Having regard to the Report of the Drainage and Water Services Department, it is considered that Additional Information Item No. 3 has not been satisfactorily addressed.

### Additional Information Item No. 4

In responding to Additional Information Item No. 4, the Applicant has indicated the following:

*'The proposed development is located in close proximity to Fonthill Bus Stop and Newlands Cross Bus Stop (2110 and 3425), Boot Road and St. Josephs (4665), all located within 300 metres of the site. Belgard, Kingswood and Red Cow Luas Stops are all within 2km of the site. We submit that the 2 No car parking spaces are adequate for the development. We would note that the existing car parking for the existing house is on-street, and the proposed arrangement will remove existing parking off street. The parking arrangement is a simple arrangement where the existing front boundary wall will be removed to allow for car parking. The existing pillar on the north-east of the site will remain in place as shown on revised drawing JF.PLN-003a.'*

The Road Department have assessed the Applicant's Response to Additional Information Item No. 4, with their Report noting the following:

*'SDCC Roads Department is satisfied that 2 No. parking spaces will be sufficient for the two properties.'*

*'The proposed shared vehicular entrance of 6190mm width is considered excessive and should be constructed to a maximum width of 3500mm. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces for visitors.'*

In relation to the widening of driveways to accommodate in-curtilage parking, the South Dublin County Development Plan 2022-2028 states 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.'*

Having regard to the above outlined extract from the Development Plan, it is considered that the proposed shared vehicular entrance with an approximate width of 6.19m would represent a

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traffic and pedestrian safety hazard and would impact the visual amenity and character of the adjacent streetscape.

Whilst the Applicant has provided sufficient information to address Additional Information Item No. 4, it is considered that the response has not adequately addressed the concerns of the Planning Authority. It is therefore considered that Additional Information Item No. 4 has not been satisfactorily addressed.

### **Conclusion**

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028 and the Additional Information provided by the Applicant, the outstanding issues regarding design and layout, pedestrian and traffic safety and the insufficient information regarding the proposed drainage and water services infrastructure, it is considered that, permission for the proposed development 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. It is considered that the Applicant has provided insufficient information in relation to the proposed soakaway, namely the lack of soil percolation test results or plan or cross-sectional drawings showing the design details. In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development adheres to the BRE Digest 365 Standards. The proposed development would therefore be contrary to the proper planning and development of the area.
2. It is considered that the proposed 6.19m wide shared vehicular entrance would be excessive, out of character for the streetscape and by virtue of the width would represent a traffic and pedestrian safety hazard. The Development would therefore be contrary to Section 12.7.6 of the South Dublin County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

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**REG. REF. SD21A/0339**

**LOCATION: 29, Boot Road, Brideswell Commons, Dublin 22**



**Sarah Watson,  
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:**

7/09/22



**Germla O'Corrain, Senior Planner**