

Comhairle Chontae Atha Cliath Theas

PR/1139/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0304 **Application Date:** 14-Jul-2022
Submission Type: New Application **Registration Date:** 14-Jul-2022

Correspondence Name and Address: John Flood, DMVF Architects 276-278, Lower Rathmines Road, Rathmines, Dublin 6

Proposed Development: Demolition of the existing garage and the construction of a part single, part two-storey three bedroom detached dwelling house in the side garden of the existing two storey dwelling with associated rooflights; creation of a new vehicular entrance and gates to serve the existing dwelling with the existing vehicular entrance serving the new dwelling; installation of a new waste water treatment plant as well as all ancillary and site development works; external insulation and painted rendering of the existing house.

Location: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16, D16Y7R0

Applicant Name: John & Sheila Murphy

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The subject site is located on "The Muddies", a street off Whitechurch Road in Rathfarnham. This has the character of a rural lane. The wider area of Whitechurch is defined in the modern era by Marlay Park (to the north and east), Edmondstown Golf Course (north of the site), and the M50 (to the south of the site beyond some fields in agricultural use). This is an area of unique sylvian character within the M50 motorway.

The site accommodates a 2-storey (dormer style) wide pan detached house and a single storey garage/annex building. Each has a pitched roof. The house has an overhanging roof over wooden columns to the front, and a brick finish.

The area does not have a typical house type or style, with this and nearby houses having been developed individually and probably at different times. The house is located on a private laneway.

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Site Area: 0.126 Ha.

Site Visit: 01/09/2022

Proposal:

- Demolition of the existing garage and
- the construction of a part single, part two-storey three bedroom **detached dwelling house** in the side garden of the existing two storey dwelling with associated rooflights;
- creation of a new vehicular entrance and gates to serve the existing dwelling with the existing vehicular entrance serving the new dwelling;
- installation of a new waste water treatment plant
- all ancillary and site development works;
- external insulation and painted rendering of the existing house.

Zoning

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

Screening for Strategic Environmental Assessment

The site overlaps with:

- Riparian corridor along Whitechurch Stream;
- DLRCC's GI Corridor 2
- SDCC's GI Local Corridor L14 – Whitechurch Stream Link

Consultations:

Environmental Services:

Surface Water	No objection, subject to conditions.
Flood Risk	No objection, subject to conditions.

Irish Water:

Water Supply	No objection, subject to conditions.
Waste Water	Refer to EHO
HSE Environmental Health Officer	No report received.
Public Realm	Request Additional Information.
Roads	Recommends Refusal.

Submissions/Observations /Representations

None.

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Relevant Planning History

SD21A/0303: Permission **refused** by SDCC for demolition of existing garage and construction of a part single, part two storey 3-bedroom detached dwelling in side garden of existing dwelling; associated rooflights; new vehicular entrance with new pillar and gate; all ancillary site and landscaping works.

The reasons for refusal are listed in full in the 'Overcoming Reasons for Refusal' section under the 'Assessment'.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan (2022 - 2028)

Chapter 2 Core Strategy and Settlement Strategy

Policy CS6 Objective 3: Infill Development outside Dublin City and Suburbs, in existing urban built-up areas.

Policy CS11 Rural Areas

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH21 Venracular/Traditional and Older Buildings, Estates and Streetscapes

NCBH21 Objective 3: Encourage retention of older buildings

NCBH21 Objective 4: Ensure infill is sympathetic to the architectural interest, character and visual amenity of the area.

Chapter 6 Housing

Section 6.8 Residential Consolidation

Policy H13 Residential Consolidation

Chapter 7 Strategic Road Network

Policy SM4: Strategic Road Network

SM4 SLO1:

To ensure that development on these lands at Whitechurch / Edmondstown is facilitated through a comprehensive transport needs assessment, to identify all necessary transport infrastructure, its preferred location, and the appropriate delivery mechanisms in consultation with relevant stakeholders. The transport needs assessment shall have regard to existing environmental sensitivities in the area.

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Chapter 11 Infrastructure and Environmental Services
Section 11.1 Water Supply and Wastewater
Policy IE2 Water Supply and Wastewater
IE2 Objective 9: Public Foul Sewerage

Section 11.2 Surface water and groundwater

Chapter 12 Implementation
Section 12.6.8 Residential Consolidation
(i) Infill Sites
(ii) Corner/Side Garden Sites

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.

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).

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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

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Overcoming Reasons for Refusal;
- Quality Design and Healthy Placemaking
- Housing and Residential Amenity
- Open Space, Natural Heritage and Green Infrastructure
- Sustainable Movement;
- Infrastructure and Environmental Services
- Environmental impact assessment;
- 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 the South Dublin County Development Plan 2022 -2028, and other relevant policies and objectives of the Plan. Development in side gardens is guided by section 12.6.8 of the Plan.

The development is located outside of Dublin City and Suburbs settlement.

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Overcoming Reasons for Refusal

The proposal is similar to that refused under SD21A/0303. The revised proposal responds to some of the comments contained in the previous Planner's Report and the formal reasons for refusal. Some design details have been changed, and more detail regarding environmental servicing of the site has been provided. As per the more detailed assessment in the following sections, the applicant is not considered to have overcome the previous reasons for refusal. See planning history

Reason No.1 – Traffic and Access

1. This proposal provides for additional traffic movements on a substandard private laneway off Whitechurch Road and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2016 - 2022, which reads, 'To protect and/or improve residential amenity.'

Furthermore, the Planning Authority is not satisfied that the proposed vehicular access is safe and is likely to give rise to traffic hazard.

Response

The applicant has provided a Technical Note containing analysis of sightlines and overall safety of access points to the laneway.

Assessment

The Roads Department has assessed the above and concludes that an intensification of use on the laneway would result in increased traffic hazard, would endanger public safety, and would set an undesirable precedent for similar development. Their findings are noted, and it is considered that the applicant has not overcome this reason for refusal, and permission should be **refused**.

Reason No. 2 – Waste Water

2. The subject site is proposed to be serviced by an onsite treatment system. The application does not include information required under article 22 (c) of the Planning and Development Regulations 2001 as amended, on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed, where it is proposed to dispose of wastewater other than to a public sewer. In addition, the provision of an individual treatment system at this location is contrary to Section 11.6.1 which outlines that new developments will be required to utilise and connect to the

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public wastewater infrastructure, where practicable. There is therefore a risk of water pollution arising from the disposal of waste water on the site, and a grant of permission at this time would be prejudicial to public health, contrary to the Development Plan and the proper planning and sustainable of the area.

Response

The applicant has provided technical details for an individual treatment system.

Assessment

The applicant states that section 11.6.1 of the 2016 Plan did not relate to waste water, however, for the purposes of clarity, section 11.6.1 (vi) of the Plan related specifically to waste water, and this has been carried into the new plan as Policy IE2 Objective 9, to ensure that all new developments in areas served by a public foul sewerage network connect to the public system.

It is accepted after consultation of Irish Water maps that there are no public systems in the area. The applicant has provided technical details as required under article 22 (c) of the Planning and Development Regulations, 2001, as amended.

The Environmental Health Officer has not provided a report on this application to date. Nonetheless, it is considered appropriate that this reason be considered to have been overcome, as details have been provided.

Reason No. 3 – Water Supply

3. The application does not include information on the proposed layout of watermains on the site and as such, the proposed development is contrary to proper planning and sustainable development of the area.

Response

The applicant has provided a water supply layout with this application.

Assessment

The Environmental Services Department states no objection on the basis of the materials submitted. This is noted, and it is considered that this reason for refusal has been overcome.

Quality Design and Healthy Placemaking

The design approach of the new dwelling is more distinctly different from that previously proposed, and the proposed ridge level has been lowered so as not to compete, in design terms, with the existing house. The previous design has been improved in response to comments in the previous Planner's Report. This is noted.

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Housing and Residential Amenity

The proposed dwelling would meet all the guidance provided for under the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007). The private amenity spaces proposed for both the existing and new dwelling would exceed by some way those minimum standards provided for in the South Dublin County Development Plan 2022 – 2028.

Open Space, Natural Heritage and Green Infrastructure

The Public Realm Department has sought **additional information** relating to a landscape scheme; SUDs; hydromorphological assessment; trees; and green infrastructure.

Such issues were not raised under SD21A/0303, and the present request reflects the enhanced focus on landscape, natural heritage, and green infrastructure in the recently adopted South Dublin County Development Plan 2022 – 2028.

It would be appropriate to seek additional information on some of these items as per the County Development Plan; however, there are other issues which warrant refusal.

Access, Transport and Parking

The Roads Department report recommends refusal. The assessment reads as follows:

Access:

As with the previous application, this application is for a dwelling with access off Whitechurch Road via a private unsurfaced laneway. The current application proposes the addition of another vehicular entrance which will serve the existing house while the existing vehicular entrance will serve the proposed house.

The private laneway currently provides access to 4 No. houses and an animal health centre. Sections of laneway which are necessary to access this site are very narrow and visibility is poor.

The applicant has submitted a Technical Note which analyses the sightlines and overall safety of the access points relating to the proposed and existing properties. This Technical Note demonstrates that:

- (i) the visibility splays for vehicles exiting the properties onto the laneway within the limits set out in DMURS when a relaxation of the "X" distance is applied.*
- (ii) the visibility splay for vehicles exiting onto Whitechurch Road are within the limits set out in DMURS when 85th percentile design speeds are used in calculations.*

Regarding the site accesses onto the laneway, the Roads Department remains concerned that the addition of a vehicular access onto a substandard lane with no

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pedestrian footpath or public lighting would endanger public safety and would set an undesirable precedent for further similar developments in the area.

Regarding the junction of the laneway and Whitechurch Road, the Roads Department considers the visibility standards set out in DMURS to be unsuitable in this case as Whitechurch Road is more rural in nature and as a result, Table 5.5 of the TII Geometric Design of Junctions (DN-GEO-03060) would be a more suitable standard to work off. Furthermore, the previous reason for recommending refusal, ie. "an intensification of use of the substandard road network which could result in an increased traffic hazard" still stands.

Therefore, Roads recommend that planning permission be refused for this application on the grounds of an intensification of use of the substandard road network which could result in an increased traffic hazard.

Roads Recommend Refusal.

The recommendation of the Roads Department is noted.

As with the previous application, it should be noted that the laneway has not been taken in charge by South Dublin County Council, though this in itself is not a reason to refuse permission. Sections of laneway which are necessary to access this site are very narrow and visibility is poor. There are no pedestrian footpaths and there is no public lighting in the area.

The road network at the site reflects the site's status outside the 'Dublin City and Suburbs' settlement, and the rural character of the area (notwithstanding the zoning objective).

I concur with the report and assessment of the Roads Department and, given the advice that this would result in an increased traffic hazard, it is appropriate that **permission is refused** for that reason.

The creation of traffic hazard implies that the development itself would be haphazard development, and that the 'RES' zoning objective, while supporting development at the site in principle, would be contravened due to the impact on residential amenity. The land-use zoning objective reads, "To protect and/or improve residential amenity."

Infrastructure and Environmental Services

The applicant has provided a drainage layout plan showing a connection with the water supply mains on Whitechurch Road.

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The Environmental Services Department has stated no objection, subject to provision of a soakaway and agreement as to the design details.

Irish Water has stated no objection, subject to a connection agreement.

In relation to waste water, the applicant is proposing to provide an on-site treatment system. The applicant has provided technical details as to the proposed system to be used. The HSE Environmental Health Officer has not provided a report at the time of writing; it is considered appropriate that this issue is not counted as a reason for refusal, notwithstanding that there are other issues with the proposed development.

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 subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,

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.

Conclusion

The proposed development should be refused, as the development would result in the intensification of use of the substandard road network and could result in an increased traffic hazard. This would in turn constitute a haphazard form of development and would be in contravention of the 'RES' land-use zoning objective, "To protect and/or improve residential amenities". The development would therefore contravene the South Dublin County Development Plan 2016 – 2022 and would not accord with the proper planning and sustainable development of the area.

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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. This proposal provides for additional traffic movements on a substandard laneway off Whitechurch Road, which lacks pedestrian and lighting facilities, and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2022 - 2028, which reads, 'To protect and/or improve residential amenity.' Thus the proposed development would contravene the proper planning and sustainable development of the area.

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REG. REF. SD22A/0304

LOCATION: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16, D16Y7R0



Jim Johnston,
Senior Executive Planner

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

Date:

7/09/22



Gormla O'Corrain, Senior Planner