

# Comhairle Chontae Atha Cliath Theas

**PR/1160/22**

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

**Reg. Reference:** SD22B/0338      **Application Date:** 22-Jul-2022  
**Submission Type:** New Application      **Registration Date:** 22-Jul-2022  
**Correspondence Name and Address:** Adele Maguire 55, St. Peters Road, Walkinstown, Dublin 12  
**Proposed Development:** New vehicular entrance driveway with gate to front of existing house, including dishing of public footpath and associated site works.  
**Location:** 55, St. Peters Road, Walkinstown, Dublin 12  
**Applicant Name:** Adele Maguire  
**Application Type:** Permission

(AOCM)

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

Site Area: stated as 0.024 hectares.

#### Site Description:

The application site contains a two storey, semi-detached / end-of-terrace house, located on St. Peters Road. The dwelling has a front garden with a pedestrian access gate, concrete pathway and grassed area. Both side and front boundaries are comprised of a low wall and mature hedgerow. The surrounding area is residential in nature.

### **Proposal:**

**Permission** is sought for the following:

- Vehicular entrance with gate, including dishing of public footpath and associated site works

### **Zoning:**

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

### **Consultations:**

Roads – No objection, **conditions** recommended

Public Realm – No report received

Water Services – No report received

Irish Water – No report received

### **SEA Sensitivity Screening**

SEA monitoring indicates no overlap with relevant sensitive environmental layers

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

Submission expiry date – 25 August 2022

No submissions or observations received.

### **Relevant Planning History**

None recorded for subject site.

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

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

*Chapter 4 Green Infrastructure*

*Section 4.1 Methodology*

*GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

*Section 4.2.1 Biodiversity*

*GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

*Section 4.2.2 Sustainable Water Management*

*GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

*Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

*Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

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#### *Chapter 12 Implementation and Monitoring*

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

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

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

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

#### **Relevant Government Policy & Guidelines**

***Project Ireland 2040 National Planning Framework, Government of Ireland, 2018***

***Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.***

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

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

***Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG, 2009.***

#### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Roads
- Green Infrastructure
- Water Supply and Wastewater
- Appropriate Assessment
- Environmental Impact Assessment

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### Zoning and Policy

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

The site is subject to zoning objective 'RES' – '*To protect and/or improve residential amenity*'. Residential development is permitted in principle under this zoning objective, subject to assessment against the relevant policies, objectives and standards set out under the current Plan. It is considered that ancillary works to the site to serve the residential use fall under this category of development and would therefore be acceptable in principle, subject to compliance with the Development Plan.

### Residential and Visual Amenity

It is noted that many dwellings in the area have incorporated a vehicular access, with and without the benefit of planning consent. From drawings it appears that a driveway in excess of 6m would be achieved, in accordance with the House Extension Design Guide. A vehicular entrance of 3.5m would be provided with a 1.25m pedestrian access provided adjacent which accords with the requirements of the Development Plan. To limit the impact of the development on the public footpath, and to avoid an overconcentration of entrances, the separate pedestrian entrance should be **omitted by condition** and the 3.5m access should accommodate both pedestrians and vehicles.

### Roads

The Roads department have reviewed the application and have stated no objection to the development, recommending the following **condition** in the event of a grant:

1. *The vehicular access points shall be limited to a width of 3.5 meters.*

To ensure the safety and comfort of other road users, it is considered that the following additional **conditions** should also be attached in the event of a grant:

1. *Any gates shall open inwards and not out over the public domain.*
2. *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.*
3. *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.*

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### Green Infrastructure

The subject site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link.

The development would involve the loss of an area of grass verge in the public domain, as well as grassed area forming the existing front garden. This loss is not considered to be significant. There is an existing street tree within the grass verge and **conditions** should be included in the event of a grant to ensure the protection of this tree. A **condition** should also be included requiring the driveway to be permeable paving, to assist in the provision of SuDS and to mitigate the loss of the existing grassed area.

### Water Supply and Wastewater

From a review of Irish Water networks maps there appears to be a fire hydrant located in the area where the footpath is to be ditched. The applicant has not indicated this on drawings or provided any information on how this will be incorporated into the development. In the event of a grant, a **condition** should be attached requiring the applicant to engage with Irish Water and to obtain a letter of consent for the works from Irish Water.

### Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is on The Court, Scholarstown Wood, an established residential area. The development comprises provision of a vehicular access to existing residential dwelling.

Having regard to:

- the small residential scale of the development,
- the location of the development in an established urban area, and
- the consequent absence of a pathway to the 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.

### Environmental Impact Assessment

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

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### **Other Considerations**

#### **Development Contributions**

The development relates to the provision of a vehicular access

Assessable Area: Nil

#### **SEA Monitoring Information**

Building Use Type Proposed: Vehicular access

Floor Area: N/A

Land Type: Urban Consolidation

Site Area: 0. 024 Hectares.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance 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.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

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REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Vehicular Access.

A. The vehicular access points shall be limited to a width of 3.5 meters.

B. Any gates shall open inwards and not out over the public domain.

C. 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.

D. 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.

REASON: In the interests of traffic safety and amenity

3. 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) The removal of the separate pedestrain access. Pedestrians and vehicles shall be served by the vehicular access.

(b) The driveway shall comprise permeable paving to ensure the provision of SuDS and mitigate the loss of grassland.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. Irish Water Fire Hydrant

Prior to the commencement of development, the applicant shall engage with Irish Water to agree plans to amend the siting of the fire hydrant within the public verge outside the property boundary. The applicant shall submit a letter of consent from Irish Water for the works, along with any relevant drawings, for the written afreement of the Planning Authority.

REASON: To ensure the protection of Irish Water infrastructure

5. Tree Protection

The applicant shall ensure the protection of the existing street tree during the construction phase of development, providing relevant protection measures such as fencing or other as required.

REASON: To ensure the protection of green infrastructure assets.

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NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.



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**REG. REF. SD22B/0338**

**LOCATION: 55, St. Peters Road, Walkinstown, Dublin 12**

  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 14/09/22

  
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**Gormla O'Corrain, Senior Planner**