

Comhairle Chontae Atha Cliath Theas

PR/1189/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0088 **Application Date:** 29-Mar-2022
Submission Type: Additional **Registration Date:** 25-Aug-2022
Information

Correspondence Name and Address: O'Connor Whelan 222-224, Harolds Cross Road,
Dublin 6W

Proposed Development: Demolition of existing single storey garage (14sq.m)
and shed (14sq.m) and the construction of a two
storey, three bedroom detached house to the side
(124sq.m gfa); 2 new vehicular entrances, one from
Fonthill Road and one from Fonthill Park; all
associated site works and utility connections.

Location: 1, Fonthill Park, Rathfarnham, Dublin 14

Applicant Name: John & Jenny Whelan

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.058 hectares.

Site Description:

The application site contains a two storey, semi-detached house, with a large side and rear garden, located on Fonthill Park. The subject site forms the corner of this site and is located with frontage along Fonthill Park to the east and Fonthill Road to the south. There are several mature trees located in grass verges proximate to the site boundary. The surrounding area is residential in nature.

Site visited:

20 April 2022

Proposal:

Permission is sought for the following:

- **Demolition** of existing single storey garage (14sq.m) and shed (14sq.m)
- **Construction** of a two-storey, three-bedroom detached dwelling (124sq.m) with 2 vehicular entrances and all associated site works.

Zoning:

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

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Consultations:

Roads – Request further information

Public Realm – **Further information** recommended

Surface Water Drainage – **Further information** recommended

Irish Water – **Further information** recommended

SEA Sensitivity Screening

No overlap with relevant layers

Submissions/Observations /Representations

Submission expiry date – 02/05/2022

No submissions or objections received.

Relevant Planning History

SD04A/0566: Demolition of an existing single storey garage and shed and the erection of a 2 storey, 3 bed dwelling to the side. **Permission refused – upheld by An Bord Pleanála following first party appeal.**

Reasons for Refusal

- 1. The proposed development, by reason of its design and projection well beyond the established building line would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

S99A/0838: Demolish garage and shed and erect 2 storey dwelling to side of house. **Outline permission refused – upheld by An Bord Pleanála following first party appeal.**

Neighbouring sites

SD18A/0007: 4 bedroom, 2 storey detached house including converted attic with dormer window to side of 2 Fonthill Park, with the front door entrance off Fonthill Road & vehicular entrance for car parking to rear off Fonthill Road and associated site works. **Permission granted – constructed.**

SD17A/0021: Demolition of an existing single storey extension and converted garage, sub-division of plot, erection of new 2 storey detached 4 bedroom house and garage with attic conversion extending to 212sq.m in area. Erection of a new boundary wall between the existing and proposed dwellings. Move right hand entrance piers 2 meters south so as to provide two on site car parking spaces and all associated site works. **Permission granted – not constructed**

Relevant Enforcement History

None recorded for subject site.

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Pre-Planning Consultation

None recorded for subject site.

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

Policy H17 Residential Consolidation

Policy H17 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Policy H17 Objective 5:

To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

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

Type of Unit	Houses	Private Open Space
<i>One Bedroom</i>	<i>50sq.m</i>	<i>48sq.m</i>
<i>Two Bedroom</i>	<i>80sq.m</i>	<i>55sq.m</i>
<i>Three Bedroom</i>	<i>92sq.m</i>	<i>60sq.m</i>
<i>Four Bedroom or more</i>	<i>110sq.m</i>	<i>70sq.m</i>

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

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,*

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- *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

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

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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 11.6.1 (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

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).

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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).

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

Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and visual amenity
- Roads
- Public Realm
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. A residential dwelling is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

The proposal includes construction of a two-storey, 3-bedroom + study, detached dwelling in the side garden of an existing dwelling on Fonthill Park. The property would have two vehicular entrances and a separate pedestrian entrance.

Demolition

An existing garage extension (14sq.m) and a shed (14sq.m) would be demolished to facilitate the proposed dwelling house. This is considered acceptable.

Internal Accommodation

The house would have a living room, open plan kitchen/dining area, w/c and utility room at ground floor with three bedrooms, a study and 2 bathrooms (including one en-suite) at first floor level.

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Section 11.3.1(iv) Table 111.20 sets out the minimum space standards for houses. The Quality Housing for Sustainable Communities-Best Practice Guidelines (2007) provide more prescriptive minimum standards. The table below provides a comparison of the minimum requirements of the Development Plan, Guidelines and the space provided in the proposed apartment.

	Target gross floor area	Aggregate living area	Aggregate bedroom area	Storage	Private Open Space
Guidelines	92sq.m	34sq.m	32sq.m	5sq.m	-
Dev't Plan	92sq.m	-	-	9sq.m*	60sq.m
Proposed	124sq.m	42sq.m	36sq.m**	0sq.m	74sq.m

* This is the minimum requirement for an apartment

** The study room of 5sq.m has not been included in this figure as it is below the 7. 1sq.m minimum requirement for a single bedroom.

The proposal would exceed the standards for gross floor area, aggregate living area, aggregate bedroom area and private open space. No storage is indicated on the floorplans. The applicant should be requested to submit **additional information** indicating separate storage areas, noting wardrobes and kitchen presses do not count towards this requirement.

External Appearance

The house would be located to the south of the existing property, 1 Fonthill Park. The house would not break the front building line of Fonthill Park but would extend approximately 3m past the main rear building line of the existing dwelling at both ground and first floor level. The property would have a pitched roof, maximum height 9.67m, with a two-storey flat roof projection for part of the front elevation, with a maximum height of approximately 6m and a pressed aluminium capping. There would be a pitched roof projection over the front door. The property would be rendered on all elevations, contrasting with the existing dwelling which is a mix of brick and render.

The Development Plan 2016 – 2022 states that, with regard to development on corner sites, *'the dwelling(s) should generally be designed and sited to match the building line and **respond to the roof profile of adjoining dwellings**'* [emphasis added]. The pitched roof of the dwelling would be 0.728m higher than the roof of the existing dwelling at the site. The applicant states this is to futureproof the property and allow for a potential future attic conversion. It is noted that internally, the maximum floor to ceiling height achieved is approximately 3.6m, with 2.4m being the minimum height required for a habitable room. In this regard, it is not considered necessary that the roof is this height, and it would look incongruous when viewed in the context of the existing dwellings. While it is noted that the property constructed under SD18A/0007 has a higher roof height than the neighbouring dwelling, it is not considered to be so detrimental to visual amenity as the two properties have a different roof profile and the excess height is

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approximately 0.2m, a less obvious difference when viewed from the street. The applicant should be requested to revise the roof height to more sympathetically match that of the existing dwelling by **additional information**.

The site is located at the corner of Fonthill Road and Fonthill Park. Having regard to Section 11.3.2(ii) of the Development Plan 2016 – 2022 that '*Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*', it is considered that the proposed gable fenestration is satisfactory.

Private Open Space

The Development Plan states private open space of 60sq.m should be provided for a three-bedroom dwelling. Drawings indicate private open space to the rear of the property of 74sq.m, with a car parking space and vehicular entrance indicated onto Fonthill Road, to the south of the dwelling, resulting in the provision of 2 car parking spaces for the dwelling, 1 to the front, and 1 to the side/rear.

The rear car parking space breaks up the private open space and would impact the useability of the rear garden. In this regard, the vehicular access onto Fonthill Road and car parking space are not considered acceptable and should be removed by way of **additional information**.

Roads

The Roads Department has reviewed the application and recommends the following **additional information** is sought:

- 1. The applicant is requested to submit a revised layout of not less than 1:200 scale showing provision of space for 2 on-curtilage parking spaces to the front of the property, including the location of the dished kerb and dropped crossing. A swept path analysis showing how the two cars can safely access and egress these parking spaces is also required.*
- 2. A revised layout of not less than 1:200 scale, showing the vehicular entrance limited to a maximum width of 3.5m and 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.*

This **additional information** should be requested to ensure the safe provision of car parking at the site that does not impact on the amenity of other road users of the future residents of the dwelling. However, it is not considered appropriate to request 2 car parking spaces at this location. The Development Plan specifies 2 car parking spaces as a maximum allowance, with the aim to encourage a shift in travel behaviour to encourage more sustainable transport modes. The provision of 2 car parking spaces to the front of the property could impact on the amenity of the front garden of the dwelling, and impact access to the property. On this basis, the applicant should be requested to demonstrate the safe access and egress of 1 car parking space to the front of the property only.

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Public Realm

Public Realm has reviewed the application and has recommended the following **additional information** is sought:

1. *Existing Street Trees*

There are concerns with the lack of information submitted in relation to existing street trees along the south western boundary of the site. The applicant is requested to submit a detailed tree survey, arboricultural impact assessment report and tree protection plan for the existing trees along the western boundary. This tree survey shall be undertaken by a suitably qualified arborist. The report shall provide detailed information on the condition and health of the existing trees, and it shall also clearly detail what impacts the development will have on the trees but also potentially the tree roots.

2. *Tree Protection Measures*

The applicant is requested to provide a scheme for the protection of the adjacent street trees in the adjoining grass margin during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these

3. *Landscape Plan*

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations and detailed design of SUDs features. The landscape proposals to be prepared by a suitably qualified landscape architect.

4. *Reduction of grass margin to facilitate two driveway entrances*

The Public Realm Section would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the provision of a driving entrance. We believe this sets an unwanted precedent as grass margins should be retained where possible in the urban setting. The applicant is therefore requested to remove one of the proposed driveway entrances. Response should include revised layout and drawings.

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5. SUDS

The applicant is requested to submit the following:

- i. A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- ii. Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain planter boxes or other such SuDS.*
- iii. SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*

It is considered appropriate to request the above **additional information** to ensure the development does not negatively impact on existing green infrastructure and to ensure the adequate provision of SuDS measures at the site.

In addition to the recommended **additional information**, the applicant's attention is drawn to the recommendation of the public realm section that a 'no-dig' solution should be used in the construction of any new entrances in close proximity to existing street trees. In the event of a grant, a **condition** should be attached in this regard.

Services, Drainage and the Environment

Water Services has reviewed the application and has recommended the following **additional information** is sought:

- 1.1 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*
- 1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
 - Permeable Paving*
 - Grasscrete*
 - Rain Gardens*
 - Planter boxes with overflow connection to the public surface water sewer.*
 - Green Roofs*
 - Blue Roofs*
- 1.3 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to*

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the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow.

1.4 South Dublin County Council records show that there is an existing 150mm public surface water sewer to the rear/south of the site which appears to spur off in to the applicants property. The applicant is required to submit a drawing in plan and cross-sectional views showing the distance between the proposed extensions and the existing 150mm surface water sewer. The drawings shall also show the invert levels of the existing 150 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a surface water sewer this size.

Irish Water has reviewed the application and has recommended the following **additional information** is sought:

1.1 Water

The applicant has not submitted water supply drawings for the proposed development. The applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

- *All development shall be carried out in compliance with Irish Water Standards codes and practices.*

▪

2.1 Foul

The applicant has not submitted foul water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow.

- *All development shall be carried out in compliance with Irish Water Standards codes and practices.*

It is considered appropriate to request the above recommended **additional information** to ensure adequate provision of SuDS measures, in the interests of public health and to ensure adequate water and wastewater facilities.

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 a new residential dwelling.

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Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced 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.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, it is not considered that the proposed dwelling is fully compliant with the policies and objectives of the Development Plan. The applicant should be requested to submit the following additional information:

- Revised floor plans clearly indicating the location of storage
- The ridge height of the proposed roof is not considered acceptable and should be revised down to match the height of the existing dwelling.
- The rear parking space is considered unacceptable and should be removed
- A revised layout of not less than 1:200 scale showing provision of space for 2 on-curtilage parking spaces to the front of the property and a swept path analysis.
- A revised layout of not less than 1:200 scale, showing revised details of the vehicular entrance, boundary walls and any boundary pillars
- A detailed tree survey, arboricultural impact assessment report and tree protection plan for the existing trees along the western boundary.
- A scheme for the protection of the adjacent street trees in the adjoining grass margin during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction – Recommendations
- A fully detailed landscape plan with full works specification
- SuDS information
 - A drawing to show how surface water shall be attenuated to greenfield run off rates.
 - A drawing to show what SuDS (Sustainable Drainage Systems) are proposed.
 - A comprehensive SUDS Management Plan

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- A drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer.
- A drawing in plan and cross-sectional views showing the distance between the proposed extensions and the existing 150mm surface water sewer.
- A drawing in plan outlining the existing and proposed water supply layout for the development
- A drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer.

Recommendation

Request Further Information.

Further Information

Further Information was requested on 18/05/22

Further Information was received on 25/08/22

Consultations

Roads – No objection, **conditions** recommended

Public Realm – No objection, **conditions** recommended

Water Services – No objection

Irish Water – No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

The Further Information requested was as follows:

1. *The applicant is requested to submit the following:*
 - i. *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
 - ii. *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain planter boxes or other such SuDS.*
 - iii. *SuDS Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*

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2. *The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed SuDS features for the development such as, but not limited, to the following:*
 - *Permeable Paving*
 - *Grasscrete*
 - *Rain Gardens*
 - *Planter boxes with overflow connection to the public surface water sewer.*
 - *Green Roofs*
 - *Blue Roofs.*
3. *The provision of the rear car parking space is considered unacceptable on the grounds that it would negatively impact the quality and usability of the rear private open space, and for traffic safety reasons as adequate sightlines would not be achieved at this location. The applicant is requested to submit revised drawings clearly removing this rear car parking space and the existing double gate access onto Fonthill Road.*
4. *The applicant is requested to submit a revised layout of not less than 1:200 scale showing provision of space for 1 on-curtilage parking spaces to the front of the property, including the location of the dished kerb and dropped crossing. A swept path analysis showing how the car can safely access and egress the parking space is also required, in both forward and reverse motion.*
5. *The applicant is requested to submit a revised layout/elevations of not less than 1:200 scale, showing the vehicular entrance limited to a maximum width of 3.5m and 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.*
6. *There are concerns with the lack of information submitted in relation to existing street trees along the south western boundary of the site. The applicant is requested to submit a detailed tree survey, arboricultural impact assessment report and tree protection plan for the existing trees along the western boundary. This tree survey shall be undertaken by a suitably qualified arborist. The report shall provide detailed information on the condition and health of the existing trees and it shall also clearly detail what impacts the development will have on the trees but also potentially the tree roots.*
7. *The applicant is requested to provide a scheme for the protection of the adjacent street trees in the adjoining grass margin during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations. The scheme shall show the extent of root protection areas and details of ground*

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protection measures and fencing to be erected around the trees, including the type and position of these.

- 8. There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant is requested to provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations and detailed design of SUDs features. The landscape proposals to be prepared by a suitably qualified landscape architect.*
- 9. The applicant has not indicated any designated storage areas on floor plans and is requested to submit revised plans clearly indicating the location of dedicated storage, noting that attic storage would be acceptable but wardrobes and kitchen cupboards would not be considered acceptable.*
- 10. The ridge height of the proposed dwelling would be 0.728m higher than the ridge height of the existing dwelling, and the prevailing ridge height of dwellings in the area. The Development Plan states that dwellings on corner sites should '...generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings.' The additional height of the proposed dwelling would not respond to the roof profile of the existing dwelling, is not considered acceptable in terms of visual amenity and is it considered necessary to allow for the future conversion of the attic space, which would be possible with a lower ridge height. The applicant is requested to submit revised drawings indicating a ridge height more in keeping with the existing dwelling.*
- 11. South Dublin County Council records show that there is an existing 150mm public surface water sewer to the rear/south of the site which appears to spur off in to the applicants property. The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed extensions and the existing 150mm surface water sewer. The drawings shall also show the invert levels of the existing 150 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a surface water sewer this size.*
- 12. The applicant has not submitted water supply drawings for the proposed development. The applicant is requested to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie. All development shall be carried out in compliance with Irish Water Standards codes and practices.*

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13. *The applicant has not submitted foul water drainage plans for the proposed development. The applicant is requested to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. All development shall be carried out in compliance with Irish Water Standards codes and practices.*
14. *The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow.*

Assessment

The applicant has submitted drawings and reports as requested and a letter from the agent date stamped 25th August 2022.

Items 1 & 2 – Sustainable Urban Drainage Systems (SuDS)

The applicant has submitted a SuDS plan that has been reviewed by both Water Services and the Public Realm section. Water Services have stated no objection to the development. Public Realm have recommended the following **condition** in the event of a grant of permission:

1. *The submitted SuDS scheme shall be implemented within a timescale to be agreed by the Planning Authority and thereafter managed and maintained in accordance with the approved details.*

This **condition** is considered appropriate to ensure the implementation of the SuDS scheme in accordance with the requirements of the Development Plan.

Items 3, 4 & 5 – Car Parking and Access

The Roads department have reviewed the additional information and have stated that they are satisfied with the response to the request. In the event of a grant, their report recommends the following **conditions**:

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

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3. *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.*
4. *It is noted that there is a utility cover in the vicinity of the proposed access, the applicant shall make any necessary arrangement with the correct utility provider if the proposed works going to impact on these assets.*

These **conditions** are considered appropriate to ensure the protection of traffic and utilities, with the exception of item 3 which would be unenforceable.

Items 6 & 7 – Street Trees

The Public Realm section have reviewed the submitted additional information and have stated no objection to the development, recommending the following **condition**:

1. *The existing street trees (4 no. total) in the adjoining grass margin are to be retained & protected during construction works in accordance with BS 5837:2012, Trees in relation to design, demolition and construction. Prior to the commencement of any work, or any materials being brought on site, the existing trees are to be protected with temporary fencing. This shall be maintained in good and effective condition until the work is completed. The protective fencing is to coincide, as far as is practical, with the root protection area (RPA), unless otherwise agreed. all weather notices shall be securely fixed to the fence words such as 'construction exclusion zone - no access'.*
 - a) *All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;*
 - a) *Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species*
 - b) *Materials are never to be stacked within the root spread of the tree;*
 - c) *Cement mixing should not be carried out within the canopy/protected area of the tree;*
 - d) *Soil levels are to be maintained as existing within the root spread of the tree.*

This **condition** is considered appropriate to ensure the protection of street trees outside the site boundary.

Item 8 – Landscaping

The applicant has provided brief information relating to the landscaping of the front garden and has not provided additional information in relation to landscaping to the rear of the property.

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Public Realm have not raised any concerns in relation to this response or requested clarification. It is therefore considered this response is acceptable.

Item 9 – Storage

The applicant has provided revised floorplans clearly indicating the location of designated storage for the property. 2.4 sq.m would be provided at ground floor and an additional 33 sq.m would be provided in the attic, ancillary storage indicated in bedrooms is not considered to count as this would be wardrobe space.

Storage proposals are considered acceptable.

Item 10 – Ridge Height

The applicant has not amended the ridge height of the dwelling, stating that the street is already comprised of varying ridge heights and the current proposal would allow for the future conversion of the attic to habitable space.

It is accepted that there are varying ridge heights along Fonthill Park, as a result of the topography of the area. In this regard, the additional height at the corner could be viewed as a continuation of this pattern. The roof height is considered acceptable without change.

Items 11, 12, 13 & 14 – Water Supply and Wastewater

Water Services and Irish Water have reviewed the additional information, and both have stated no objection to the development. In the event of a grant, Irish Water have recommended the following conditions:

1. Water

Prior to the commencement of development, the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

2. Foul

Prior to the commencement of development, the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

These **conditions** are considered appropriate in the interest of public health and to ensure adequate water facilities.

South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on the 3rd August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. With regard to new housing, the development appears to be largely compliant with relevant policies and objectives. There is an increased focus on green infrastructure within the new plan and therefore

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an additional assessment of the application against these policies and objectives has been undertaken below.

Green Infrastructure

The site appears to be located within the Dun Laoghaire-Rathdown GI Corridor 2. The development would result in an increase of hardstanding at the site as a result of the provision of a new dwelling. The applicant has provided sufficient SuDS to mitigate this increase, and the proposals have been deemed acceptable by both Water Services and Public Realm. In this regard, the development is considered to be acceptable.

Conclusion

The development subject to conditions, is considered to be consistent with the zoning objective 'RES' – 'To protect and/or improve residential amenity', and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

Other Considerations

Development Contributions

New dwelling in side garden:	124 sq.m
Are any exemptions applicable?	No
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% Reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	124
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	124
Total development contribution due	€12,956.76

SEA Monitoring Information

Building Use Type Proposed:	New dwelling
Floor Area:	224 sq.m
Land Type:	Urban Consolidation
Site Area:	0.058 Hectares.

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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. It is considered that the proposal would be consistent with Council policy in relation to development on side garden sites.

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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 25/08/2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Restriction on Use.
The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.
REASON: To prevent unauthorised development.
3. External Finishes.
All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 1, Fonthill Park, Rathfarnham, Dublin 14

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REASON: In the interest of visual amenity.

4. Sustainable Urban Drainage Systems

The submitted SuDS scheme shall be implemented within a timescale to be agreed by the Planning Authority and thereafter managed and maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies under Section 4.2.2. Sustainable Water Management of the CDP 2022-2028

5. Vehicular Access

A. 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.

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

C. It is noted that there is a utility cover in the vicinity of the proposed access, the applicant shall make any necessary arrangement with the correct utility provider if the proposed works going to impact on these assets.

D. The proposed vehicular access gate width shall not exceed 3.5 meter wide.

E. 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.

REASON: To protect pedestrian and traffic safety and amenity

6. Tree Protection

The existing street trees (4 no. total) in the adjoining grass margin are to be retained & protected during construction works in accordance with BS 5837:2012, Trees in relation to design, demolition and construction. Prior to the commencement of any work, or any materials being brought on site, the existing trees are to be protected with temporary fencing. This shall be maintained in good and effective condition until the work is completed. The protective fencing is to coincide, as far as is practical, with the root protection area (RPA), unless otherwise agreed. All weather notices shall be securely fixed to the fence words such as 'construction exclusion zone - no access'.

a) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;

b) Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species

c) Materials are never to be stacked within the root spread of the tree;

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- d) Cement mixing should not be carried out within the canopy/protected area of the tree;
- e) Soil levels are to be maintained as existing within the root spread of the tree.

REASON: To ensure the protection of green infrastructure assets

7. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €12,956.76 (twelve thousand, nine hundred and fifty six euro and seventy six cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

9. House Number.

The number of the house shall be 1A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road. In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

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

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

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The applicant is advised that the development number or name should

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

The applicant, owner or developer is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required plan.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

10. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

11. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to

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construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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. SD22A/0088

LOCATION: 1, Fonthill Park, Rathfarnham, Dublin 14



Caitlin O'Shea
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: 21/09/2022



Colm Harte,
Senior Executive Planner