

Comhairle Chontae Atha Cliath Theas

PR/1194/22

Record of Executive Business and Chief Executive's Orders

Reg. Reference: SD22B/0346 **Application Date:** 28-Jul-2022
Submission Type: New Application **Registration Date:** 28-Jul-2022
Correspondence Name and Address: Niall Jones & Associates Somerton, 15, Butterfield Crescent, Rathfarnham, Dublin 14
Proposed Development: Retention for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level; Retention for single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works.
Location: 5, Willington Court, Templeogue, Dublin 6w
Applicant Name: Pat & Therese Monks
Application Type: Retention

(NM)

Description of Site and Surroundings:

Site Area

Stated as 0.0471 Hectares.

Site Description

The application site is located in a predominately residential area. The property is a semi-detached, 2 storey dwelling with a pitched roof located towards the end of a cul-de-sac. The area is characterised by units of similar architectural design with a relatively uniform building line.

Proposal:

The development will consist of:

- Retention for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level;
- Retention for single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works.
- Total area of works to be retained 117.53sqm

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Zoning:

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Consultations:

Irish Water - No report received at time of writing.

Water Services – No report received at time of writing.

Roads Department – No report received at time of writing.

SEA Sensitivity Screening

Overlap with Flood Zone A and Flood Zone B.

Submissions/Observations /Representations

There was one submission received in regard to the proposed development which has been reflected in this report and can be summarised as follows:

- The site notice was not located in a readily visible area
- The submitted drawings do not show the house before the extension and garden room
- The height of the extension is overbearing
- Reduction in daylight
- 117sqm space added to an existing house of 129sqm in 7 months
- The windows and design of the developments are not in keeping with the established pattern of development
- There are still 2 other sheds as well as the other development
- There have been 2 summers of disruption since works began
- Garden room is 77sqm which is far in excess of the 25sqm allowable
- Continually entered neighbouring garden without permission
- Shed has a WC, sauna and separate rear access
- Constructed on boundary wall
- Glare of lights from games room in garden room can go to early hours of morning
- The applicant has cleared hedgerows along the Poddle and put down decking which has compromised the security of the area
- The pitch of the rear extension is 2.225m above the boundary wall
- The form of the roof is visually overbearing
- A new side window has been inserted into the side of the original house which has not been applied for

Relevant Planning History

Subject Property

S99B/0199 – **Permission Granted** for first floor extension to side of house.

Adjacent sites:

SD18B/0478 – 9 Willington Court – **Permission Granted** to extend habitable attic floor space to front and rear of semi-detached dormer dwelling incorporating new dormer windows to both the front and rear and for partial re-roofing over converted garage.

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SD22B/0260 - 2 Willington Avenue, Templeogue – **Permission Granted ABP** for Single storey extension with 2 rooflights to side of existing 2 storey semi-detached house and all associated site works.

Relevant Enforcement History

S8941 - Alleged extension to the rear which may require planning permission – Live File

Pre-Planning Consultation

None recorded.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 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

Policy GI3: Sustainable Water Management

Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate. Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.

GI3 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.

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.

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Section 6.8.2 Residential Extensions

Policy H14: Support the extension of existing dwellings subject to the protection of residential and visual amenities.

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

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.

Chapter 12 Implementation and Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 13.5.8 Residential Consolidation

Extensions

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Rear Extensions

- *Match or complement the style, materials, and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

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Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

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).

Assessment

The main issues for assessment are

- Zoning and Council policy,
- Residential and Visual amenity
- Drainage
- Roads
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

A development comprising of a rear single storey and a garden room would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Residential and Visual Amenity

Retention of Rear Extension

Residential

The rear extension for retention abuts the boundary wall with the neighbouring property to the west and provides for a new kitchen and living room accommodation. The development has a pitched roof with a ridge height of 3.995m which is generally inappropriate in the site context but is acceptable as it does not lead to excessive overshadowing of any habitable rooms of neighbouring properties to the west or east. The depth of the extension is 6.5m whereas the depth of the dwelling is 8.8m and whilst this may appear overbearing contextually, the size of the site is such that it can accommodate it comfortably and is therefore acceptable in this instance. The roof lights and windows are positioned so that they do not lead to overlooking and overall, the development for retention does not seriously injure the residential amenity of the area.

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Visual

The pitched roof of the rear extension is visually consistent with the established pattern of development in the area and is therefore appropriate. The materials of the development match that of the existing and is acceptable. The proposed rear extension for retention is not visually injurious to the area and is therefore acceptable.

Retention of Garden Room

Residential

The proposed garden room for retention is situated to the rear (north) of the site and abuts the western and eastern boundaries. The roof has a wide pitch with a ridge height of approximately 3.2m which is satisfactory. Furthermore, the garden room can be accessed from a rear access onto the banks of the River Poddle which contrary to the County Development Plan. The drawings submitted as part of the application do not show relationship between the River Poddle and the garden room but it appears to have been built within a 5m distance which is entirely unacceptable and inconsistent with the CDP and therefore **retention should be refused**. Additionally, there are two other sheds on this site also as per the submitted drawings and overall, this is overdevelopment of the site.

Visual

The materials used for the garden match that of the main dwelling and are therefore visually acceptable. Notwithstanding this, the garden room for retention should be refused.

Drainage

Irish Water maps indicate that the proposed development would not be located within an unacceptable distance of any existing Irish Water infrastructure. Notwithstanding this, it is considered appropriate that **conditions** regarding SuDS are attached in the event of grant of permission. Furthermore, the garden room for retention is located within close proximity to the River Poddle and should therefore be **refused**.

Roads

No report was received from the Roads Department at the time of writing but given the nature of the development, there would not be any additional conditions attached from a road's perspective.

Green Infrastructure

The subject application provides for a substantial increase in the footprint of the subject house on an established suburban residential site. The site is located within a Secondary GI Link L13 River Poddle as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028). There are no SuDS proposed or in place for the development. It is also noted from the submission received that the applicant has removed a stretch of indigenous hedgerow along the River Poddle in order to facilitate the development and as such, the **applicant should confirm the amount of hedgerow that was removed and provide a replanting schedule to show how the ecological features on the site can be restored or enhanced, and any losses mitigated against, and this can be confirmed by way of condition**.

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Given the size, scale and nature of the proposed development, a **full GI assessment** for the proposed development is required including a replanting schedule.

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 single storey rear extension and a garden room.

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 (EIAR)

Having regard to the modest nature of the 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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Development Contributions

Development Contributions	
Planning Reference Number	SD22B/0346
Summary of permission granted & relevant notes:	Retention of Rear Residential Extension - 39.38 sqm and Garden Room - 77.7sqm. Previous extension 34.94sqm. Total area approved for Retention 39.38 sqm.
Are any exemptions applicable?	No
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
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)	117.53
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	39.38
Total development contribution due	€4,114.82

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the rear extension for retention (Schedule 1) 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 and should be **granted subject to the conditions set out below.**

With regard to the retention of the garden room (Schedule 2), it is considered that the development would seriously injure the amenities of the area and property in the vicinity and would, therefore, not be in accordance with the proper planning and sustainable development of the area and should be **refused for the reasons as set out below.**

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Recommendation

I recommend that Retention be granted for the single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works subject to the Conditions/Reasons set out in the First Schedule hereto and that Retention be refused for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level for the Reason(s) set out in the Second Schedule hereto.

FIRST SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.
(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.
(c) Drainage - Irish Water.
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
(d) 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

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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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

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

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

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

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

3. Sustainable Urban Drainage Systems (SuDS) and Landscaping

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features.

Within 6 months of the date of final grant of permission, the applicant shall submit the following:

a) a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, for the written agreement of the Planning Authority. The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following: Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.

- Permeable Paving

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- Grasscrete
 - Green Roofs
 - Rain gardens
 - Swales
 - Permeable Paving
 - Grasscrete
 - Channel Rills
 - Planter Boxes
 - Water Butts
 - Other such SuDS
- b) A summary, in a digital format, quantifying and detailing the following:
- tree and hedgerow removal;
 - tree and hedgerow retention;
 - new tree and hedgerow planting.

The applicant should reference the SDCC Sustainable Drainage Explanatory Design & Evaluation Guide prior to submission.

REASON: To ensure the adequate provision of SuDS

4. Access Gate

The rear access gate opening from the application site onto the River Poddle shall be removed in its entirety and omitted from all plans associated with the proposed Development for retention. The rear boundary wall shall not include any gate access to the river.

REASON: In the interests of proper planning and sustainable development of the area.

5. Replanting Schedule

The applicant shall confirm what trees and indigenous hedgerows were removed from the River Poddle bank within 6 months of the date of final grant of permission and the applicant shall submit the following:

- A landscape plan and associated planting plan to the Planning Authority. The Landscape Plan shall include details of any trees and hedgerow removed. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The Landscape Plan shall include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020).

REASON: In the interest of sustainable development.

6. Split

The retention of rear extension under Schedule 1 shall be granted and the garden room under Schedule 2 shall be refused.

REASON: In the interest of proper planning and sustainable development.

7. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €4,114.82 (Four thousand, one hundred and fourteen euro and eighty-two cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning

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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 Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

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

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.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22B/0346

LOCATION: 5, Willington Court, Templeogue, Dublin 6w

SECOND SCHEDULE

Reason(s)

1. The garden room for retention was built within a Riparian Corridor - Secondary GI Link L13 River Poddle as identified in the Green Infrastructure Strategy Map (South Dublin County Development Plan 2022-2028) and is therefore not consistent with GI3 Objective 3 of the South Dublin County Development Plan 2022 - 2028. To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site. The proposed garden room for retention is therefore contrary to the proper planning and sustainable development of the area.

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

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REG. REF. SD22B/0346

LOCATION: 5 Willington Court, Templeogue, Dublin 6W

Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: That Retention be hereby granted for single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works subject to the Conditions/Reasons set out in the First Schedule hereto and that Retention be hereby refused for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level for the Reason(s) set out in the Second Schedule hereto.

Date: 21/09/2022

Deirdre Kirwan

Deirdre Kirwan,
Senior Executive Planner