

# Comhairle Chontae Atha Cliath Theas

**PR/1186/22**

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

**Reg. Reference:** SD22B/0386      **Application Date:** 28-Jul-2022  
**Submission Type:** New Application      **Registration Date:** 28-Jul-2022

**Correspondence Name and Address:** Peter Brennan Hayfield House, Knocklyon Road, Dublin 16

**Proposed Development:** Retention for the alteration of a previously approved planning application, reg. ref. SD20B/0495, which consisted of a ground floor extension to the rear, the demolition of 2 dormer roofs and provision of a new dormer roof serving 2 existing first floor bedrooms and a proposed bathroom at the rear, a dormer roof to the front serving an additional bedroom at first floor level, reconfiguring the ground floor layout with additional windows, to the side passage, infilling the porch area and all ancillary works necessary to facilitate the development. Planning Retention is sought for the alteration of the rear dormer roof including an increase in its width, bringing the side gable flush with the side of the main house on the side passage side, an increase in the height of the side dormer walls, resizing, and recentring, of the windows, on the rear gable; The reconfiguration of the ground floor plan layout with provision-of a new window and the repositioning and resizing of the rear doors on the rear ground floor gable, resizing a of two windows, and provision of a new window on the side passage gable, and the construction of a party wall on the adjoining neighbour's side constructed on the shared boundary, and the omittance of two of the three roof lights granted permission-on the rear ground floor extension, and the resizing and relocation of the remaining roof light. Alteration to the front dormer roof which now forms a slight apex and a soffit -overhang, and the resizing of the window.

**Location:** 23, Mountdown Road, Manor Estate, Dublin 12, D12 NW82

**Applicant Name:** Martin Roche & Sarah Kirwan

**Application Type:** Retention

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

#### **Site Description:**

The site accommodates an east-facing semi-detached bungalow dwelling with a front and rear dormer. This area is characterised by similar dwellings, with a number of front dormers having been installed which are not original features. These vary in size, location and appearance. The majority of dwellings in the area are 1.5 storey with pitched roof and with a mainly uniform building line.

Site Area: 0.0374 Ha.

#### **Proposal:**

The application is seeking retention for the following:

- **Retention** is sought for the alteration of the rear dormer (habitable) including an increase in its width, bringing the side gable flush with the side of the main house on the side passage side, an increase in the height of the side dormer parapet walls.
- **Retention** for resizing, and recentring, of the windows, on the rear dormer.
- **Retention** of increased floor to ceiling height for both front and rear dormers from 2.4m (SD20B/0495) to 2.45m (SD22B/0386).
- **Retention** for the reconfiguration of the ground floor plan layout with provision of a new window and the repositioning and resizing of the rear doors on the rear ground floor gable, resizing a of two windows, and provision of a new window on the side passage gable, and the construction of a party wall on the adjoining neighbour's side constructed on the shared boundary.
- **Retention** for the omittance of two of the three roof lights granted permission on the rear ground floor extension, and the resizing and relocation of the remaining roof light.
- **Retention** for the alteration to the front dormer roof which now forms a slight apex and a soffit -overhang, and the resizing of the window.
- Proposed increase in internal floor area is c.0.54sq.m.

#### **Zoning**

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

#### **Consultations:**

Surface Water Drainage - No report received to date.

Irish Water – No report received to date.

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### **Screening for Strategic Environmental Assessment**

No overlap indicated with relevant environmental layers.

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

None received.

### **Relevant Planning History**

**SD20B/0495:** Ground floor extension to the rear, the demolition of 2 dormer roofs and provision of a new dormer roof serving 2 existing first floor bedrooms and a proposed bathroom at the rear, a dormer roof to the front serving an additional bedroom at first floor level, reconfiguring the ground floor layout with additional windows to the side passage, infilling the porch area and all ancillary works necessary to facilitate the development.

Decision: **GRANT PERMISSION.**

#### *Subject site*

**SD20B/0412:** 46, Mountdown Road, Dublin 12.

Demolition of existing single storey attached garage and shed on side of dwelling; construction of ground floor side extension with pitched roof over and with 4 rooflights with porch to front for use as a family flat; ground floor rear extension with flat roof over; extend existing first floor front dormer window to include 2 windows; first floor rear extension with flat roof over and 1 rooflight; first floor extension to create third bedroom and bathroom.

Decision: **GRANT PERMISSION.**

**SD20B/0190:** 46, Mountdown Road, Dublin 12.

Demolition of existing single storey attached garage & shed on side of dwelling. Construction of 2 storey side extension with flat roof over & with single storey rear extension with pitched roof over, with porch at ground floor & remainder for use as family flat. Extending of existing first floor front dormer window to include 2 windows, proposed partial ground floor rear extension with flat roof over & first floor rear extension with flat roof over.

Decision: **REFUSE PERMISSION.**

**SD08B/0501:** 19, Mountdown Road, Dublin 12.

Demolition of 2. no rear dormer windows, construction of 1 no. rear dormer window & 1 no. front dormer window

Decision: **GRANT PERMISSION.**

**SD20B/0190:** 46 Mountdown Road.

Demolition of existing single storey attached garage & shed on side of dwelling. Construction of 2 storey side extension with flat roof over & with single storey rear extension with pitched roof over, with porch at ground floor & remainder for use as family flat. Extending of existing first floor front dormer window to include 2 windows, proposed partial ground floor rear extension with flat roof over & first floor rear extension with flat roof over.

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Decision: **REFUSE PERMISSION.**

Reasons for Refusal were as follows:

*1. The proposed development by reason of its mass and scale would adversely impact on the residential amenity of the adjacent dwelling by reason of visual intrusion and overshadowing. The development as proposed is contrary to the guidance in the South Dublin County Council – House Extension Design Guide and the zoning objective for the area which seeks 'to protect/and or improve residential amenity'. Furthermore, the proposed development, by reason of scale and design, would contravene Council Policy on family flats in Policy H9 and Section 11.3.3(ii) of the South Dublin County Council Development Plan 2016-2022 and therefore is contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the scale and size of the extension at this location the proposed development would constitute overdevelopment of the site, is out of character in this established residential area, and is contrary to the provisions of the House Extension Design Guide and Section 11.3.3 of the South Dublin County Council Development Plan 2016-2022. The proposed development therefore is contrary to the proper planning and sustainable development of the area.*

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

### **Relevant Enforcement History**

S8946: Live case remains open.

### **Pre-Planning Consultation**

None.

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

*Section 6.8.2 Residential Extensions*

*Policy H14 Residential Extensions*

- It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

*Policy 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 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

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*Section 12.5.3 Density and Building Heights*

*Section 12.6 Housing – Residential Development*

*Section 12.6.8 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.

*Section 12.6.7 Residential Standards*

*Section 6.7.5 Privacy and Security*

*Section 6.7.4 Internal Residential Accommodation*

*Section 12.10.1 Energy Performance in New Buildings*

*Section 12.3.2 Appropriate Assessment*

*Section 12.3.3 Environmental Impact Assessment*

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

*Attic conversions and dormer windows:*

- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Relate dormer windows to the windows and doors below in alignment, proportion, and character.

*Overlooking and loss of privacy:*

- Provide frosted or opaque glass windows with restricted openings in bathrooms, halls, and stairways.

***South Dublin County Council House Extension Design Guide (2010)***

### **Relevant Government Guidelines**

***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 Environment, Heritage, and Local Government, (2007).

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### **Relevant Government Policy**

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

*Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.*

*Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.*

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

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2009.*

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

### **Assessment**

The main issues for the assessment are:

- Zoning and Council Policy
- Planning History
- Residential and Visual Amenity
- Services and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR).

### ***Zoning and Council Policy***

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity.' A residential extension is permitted in principle subject to its accordance with the relevant provisions in the Development Plan.

### ***Planning History***

There are numerous planning applications on this street which provide precedents for scale and siting of dormers and extensions on this road. It is also notable that some dormers on the street are unauthorised and do not provide a precedent for development.

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#### *Residential and Visual Amenity*

##### *Rear Dormer*

The rear dormer (habitable) seeking retention is inset c.0.708m from the southern extent of the dwelling however, there is also a parapet that is inset by c.0.5m from the southern extent of the dwelling. It is noted that the parapet height of the parapet walls on either side are not set 100mm below the ridge of the existing dwelling. Notwithstanding this the ridge height of the rear dormer is shown on the drawings submitted to be set c.0.2m below the ridge of the existing dwelling. On the northern extent the dormer is not inset as the parapet that comprises part of it is built to the north gable. The rear dormer seeking retention will not be set above the eaves of the existing dwelling but will be built on the rear wall of the existing dwelling. It is noted that this was also the case for previously permitted SD20B/0495 where the rear dormer was not set above the eaves of the existing dwelling. The floor to ceiling height for the rear dormer seeking retention measures 2.45m and is therefore considered to be habitable. The rear dormer projects outwards from the roof by c.5m. The increase in internal floor area as a result of the widening of the rear dormer is c.0.54sq.m.

The application is also seeking retention for the resizing and recentring of the rear dormer windows. This is considered a minor change and is broadly acceptable in this instance.

#### SD22B/0386 (current application) rear dormer windows

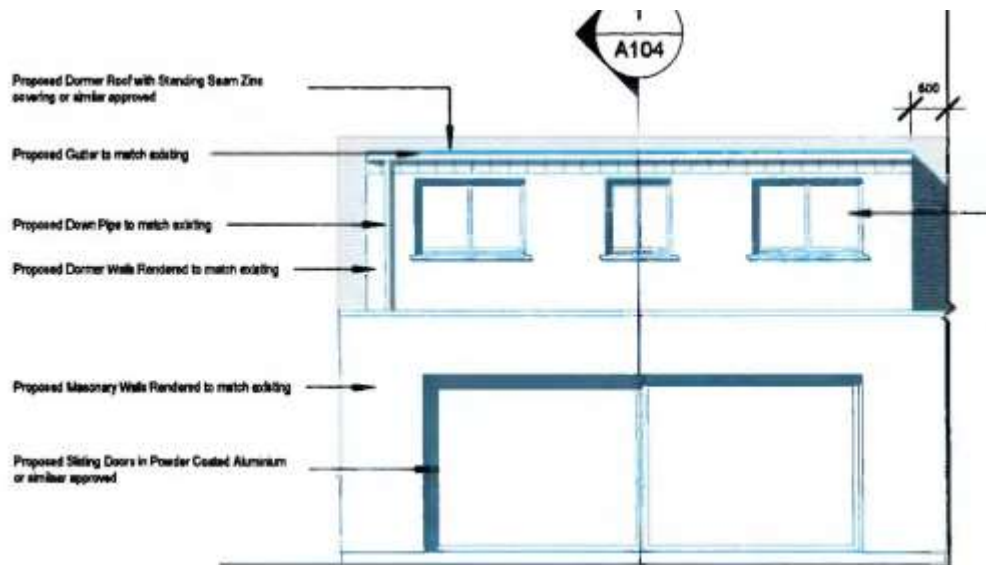


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SD20B/0495 (previously permitted) rear dormer windows



Although the overall change from the original permitted design as per SD20B/0495 is not considered to be visually in harmony with the character of the area, given that there is still some separation distance from both neighbouring properties the application seeking retention for the rear dormer would be broadly acceptable in this instance.

### *Front dormer*

The application is seeking retention for the increased floor to ceiling height for the front dormer (habitable) from 2.4m (SD20B/0495) to 2.45m (SD22B/0386). Permission is also being sought for **retention** for the alteration to the front dormer roof which now forms a slight apex and a soffit -overhang, and the resizing of the window. This is considered to be broadly acceptable in this instance and will not have a significant overbearing impact on residential and visual amenity.

### *Reconfiguration of ground floor*

The application is seeking **retention** for the reconfiguration of the ground floor plan layout with provision of a new window and the repositioning and resizing of the rear doors on the rear ground floor, resizing a of two windows, and provision of a new window on the side passage gable, and the construction of a party wall on the adjoining neighbour's side constructed on the shared boundary. This is considered to be broadly acceptable in this instance and will not have a significant adverse impact on residential and visual amenity. It is noted that any encroachment or



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oversailing is considered a civil matter and in the event of a grant a **note** shall be attached to indicate this.

### *Omittance of two of the three roof lights*

The application is seeking retention for the omittance of two of the three roof lights granted permission on the rear ground floor extension as per SD20B/0495, and the resizing and relocation of the 1 no. remaining roof light. This rooflight will visually accord with the character of the area and with the character of the existing dwelling.

### *Services & Drainage*

No reports were received from Irish Water or Surface Water Drainage, however in the event of a grant of permission for retention it is considered appropriate to attach standard drainage **conditions**.

### *Screening for Appropriate Assessment (AA)*

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

- the small scale and domestic nature of the development,
- 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.

### *Screening for Environmental Impact Assessment (EIAR)*

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**

- Amendments to habitable flat roof dormer to rear seeking retention is c.0.54sq.m.
- Proposed works measure 0.54sq.m.
- Assessable area is 0.54q.m.

#### **Development Contributions**

<b>Planning Reference Number</b>	SD22B/0386
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Extension - 0.54sqm. Retention of Revised Rear dormer
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	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.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% Reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	0.54
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	0.54
<b>Total development contribution due</b>	€56.42

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – rear dormer	0.54
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.374

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### **Conclusion**

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, and the recommendations and the South Dublin House Extension Design Guide 2010, the development seeking retention permission would accord 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 Retention 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 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.

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(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 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:

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- 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. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €56.42 (fifty six Euro and fourty two cent), 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.

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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

NOTE: The applicant or developer should ensure that all necessary measures shall be

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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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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**REG. REF. SD22B/0386**

**LOCATION: 23, Mountdown Road, Manor Estate, Dublin 12, D12 NW82**



**Deirdre Kirwan,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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**