

Comhairle Chontae Atha Cliath Theas

PR/1204/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0005 **Application Date:** 10-Jan-2022
Submission Type: Additional **Registration Date:** 01-Sep-2022
Information

Correspondence Name and Address: Gary and Alannah Anderson 40, John Street South, Pimlico, Dublin 8.

Proposed Development: Demolition of side garage and building 2 two storey dwelling houses on site, using existing vehicular access to public roadway to serve 1 new dwelling, forming 2 new vehicular access to public roadway to serve other new dwelling and existing dwelling.

Location: 1 Watermeadow Drive, Old Bawn, Tallaght, Dublin 24.

Applicant Name: Gary and Alannah Anderson

Application Type: Permission

(CS)

Description of Site and Surroundings

Site Description

The site comprises the side garden of a two storey, semi-detached dwelling with pitched roof and with attached single storey side extension with window and flat roof (labelled incorrectly in drawings as garage). The site is broadly triangular in shape. The rear gardens of c.4 dwellings back onto the southern boundary of the site. There are 3 no. street trees on the adjacent grass verge to the front and to the side of the subject site. There is a mature tree in the front and rear garden of the subject site. The site is bound to the eastern side by a c.1.8m high block wall along a straight stretch of Watermeadow Drive. There is no boundary treatment to the front of subject site. The land on the site is overgrown and unused in appearance. The surrounding area is of an established residential character with a mainly uniform building line

Site Area: 0.804 Ha.

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Proposal

The proposed development would comprise of:

- Demolition of single storey side extension (labelled incorrectly in drawings as garage) c.17.21sq.m.
- **Construction of 2 two storey, 3 bedroom dwelling houses** (House 1A & House 1B) in the side garden of No. 1 Watermeadow Drive to create a terrace with No.1 (existing dwelling).
- Use part of existing vehicular entrance to serve **House 1A**. Currently there is no front boundary treatment in situ and the concrete driveway measures a width of c.5m and accommodates parking for two cars side by side. Entrance for existing house will be c.3.6m wide. Entrance for House 1A will be c.3.6m wide and entrance for House 1B will be 3.6m wide with sliding gate.
- House 1A measures c.118.4sq.m.
- House 1B measures c.194.6sq.m.
- Total proposed works measure c.313sq.m.

Zoning

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

Consultations

Roads Department – **Refusal** recommended, or additional information items recommended should the Planning Authority recommend **Additional Information**.

Environmental Health Officer - Acceptable subject to **conditions**.

Parks Department – Grant with **conditions**.

Surface Water Drainage – No objection subject to **conditions**.

Irish Water – No objection subject to **conditions**.

Screening for Strategic Environmental Assessment

Indicates no overlap with environmental layers.

Submissions/Observations/Representations

Three submissions have been received from residents of Watermeadow Drive including a submission comprising of a signed petition from the Residents Association objecting to the development. Each submission objects to the proposed development. The issues raised are as follows:

- Out of character with the area and constitutes overdevelopment of the site.
- Increased pressure on on-street parking.
- Seriously injurious by reason of a traffic hazard to both vehicles and pedestrians.

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- SD10A/0226/EP would be more suited to the site.
- Proposed new entrance to the back garden is located only a few metres from a bend on the roadway and will be a hazard while gate is being opened or closed.
- Potential for the proposal to allow for renting of bedsits as many of the bedrooms are ensuite.
- Potential for division into 4 new residences.
- No. 3 Watermeadow Drive will change from semi-detached to end of terrace and will potentially reduce in value.
- Residents have been objecting to 2 no. houses on the site for over 20 years.
- No reference made on plans to a mature tree in the corner of the site adjacent to proposed vehicular entrance.
- Separation from Public Footpath.

Relevant Planning History

SD20A/0168: Demolition of side garage and building 2 new two storey dwelling houses on site, each new dwelling containing 1 family flat unit, using existing vehicular access to public roadway to serve 1 new dwelling house. Two new vehicular access to public roadway to serve other new dwelling house and existing dwelling house. All associated ancillary site works.

Decision: **REFUSE PERMISSION.**

Reason 1.

(a) The provision of a family flat is provided for in Section 2.4.2 and Section 11.3.3 (ii) of the South Dublin County Development Plan 2016 - 2022. The Family Flats policy does not and cannot apply to new developments. There are three principal reasons for this conclusion:

(1) The policy on family flats allows for the setting aside of certain standards, to address extenuating circumstances. A new development is not constrained in the same manner as an existing house, and the relaxation of standards in such instances is inappropriate and not covered by the Family Flats policy.

(2) The family flats policy would, if utilised in this instance or by the precedent that would set, provide for substandard development across the county, which would not be in keeping with the proper planning and sustainable development of the county.

(3) The policy on family flats refers to subdivision or extension of a dwelling, rather than proposals for provision of a new dwelling.

(4) Section 11.3.3 of the County Development Plan relates to 'Additional Accommodation' comprising 'extensions' and 'family flat'. This implies that the 'Additional accommodation' is in addition to an existing house and would not be applicable to a proposed house.

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The proposal for a family flat is therefore contrary to the housing policy and residential standards of the South Dublin County Development Plan 2016 - 2022, and the 'RES' landuse zoning objective, and would therefore be contrary to the proper planning and sustainability of the area.

(b) Notwithstanding the above, it is further noted that the applicant would not satisfy the family flats policy as the council is not satisfied of the genuine need for a family flat, due to lack of supporting information provided.

Reason 2.

2. Having regard to:

- the 'RES' land-use zoning objective;
- policy on corner site infill development, particularly in relation to dual frontage;
- policy on maximum car parking rates;
- policy on family flats;

the proposed development would not comply with the housing policies and residential standards set out in the South Dublin County Development Plan 2016 - 2022, and would seriously injure the amenity of property in the vicinity due to:

- provision of family flat in contravention of planning policy;
- no dual frontage or primary frontage addressing the long eastern boundary;
- detrimental impact on the streetscape arising from lack of frontage;
- provision for car parking in excess of the maximum rates provided for in the County Development Plan;

The proposed development would therefore be contrary to the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.

SD10A/0226/EP: Two storey detached dwelling house and forming a new vehicular access from public roadway to same on corner site.

Decision: **GRANT EXTENSION OF DURATION OF PERMISSION.**

SD10A/0226: Two storey detached dwelling house and forming a new vehicular access from public roadway to same.

Decision: **GRANT PERMISSION.**

SD04A/0003: 2 No. semi-detached two storey houses at the side, together with alterations to existing house.

Decision: **REFUSE PERMISSION.**

Reason No. 1

It is considered that the proposed development of two houses would, by reason of its proximity to the gable wall of No. 1 Watermeadow Drive the limited size of the houses, and the limited

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depth of the back garden attached to no. 1B, be out of character with the pattern of development on Watermeadow Drive. This would seriously injure the residential amenities and depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and development of the area.

Reason No. 2

The lack of adequate off-street parking provision would result in on-street car parking close to a bend which would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

SD03A/0764: 2 no. semi-detached two storey houses at the side of, together with alterations to existing house.

INVALID - SITE NOTICE.

S99A/0211: Erect 2 no. semi-detached two storey houses at side.

Decision: **GRANT PERMISSION**

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 2.3.0: Quality of Residential Development

Policy H11 Residential Design and Layout

Policy H11 Objective 1

Policy H13 Private and Semi-Private Open Space

Policy H13 Objective 3

Policy H14 Internal Residential Accommodation

Policy H14 Objective 1:

To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.

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Policy H15 Privacy and Security

Policy H15 Objective 2:

'To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and spaces.'

Policy H15 Objective 3

Policy H15 Objective 4

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

Policy H17 Residential Consolidation

'It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.'

Policy H17 Objective 1

Policy H17 Objective 2

Policy H17 Objective 5

Policy H19 Family Flats

'It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.'

H19 Objective 1:

'To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.'

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

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Section 11.3.3 Additional Accommodation

Section 11.3.3 (ii) Family Flats

'A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house;*
- The family flat should be directly accessible from the main dwelling via an internal access door; and*
- The design criteria for dwelling extensions will be applied.'*

Section 7.1.0: Water Supply & Wastewater

Policy IE1 Water & Wastewater

Policy IE1 Objective 7

Section 7.2.0: Surface Water & Groundwater

Policy IE 2 Surface Water & Groundwater

Policy IE2 Objective 5

Section 11.3.0: Land Uses

Section 11.3.1 (iv): Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v): Privacy

Section 11.3.2: Residential Consolidation

Section 11.3.2 (i): Infill Developments:

Development on infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*

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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,*
- *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.*

Section 11.4.2: Car Parking Standards

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.

'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 (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, (2009).

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

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The Planning System and Flood Risk Management: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009), as supplemented by 'Planning Circular 02/2014 Flood Risk Management', Department of the Environment, Community and Local Government (2014).

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Residential & Visual Amenity;
- Environmental Health;
- Parks & Landscaping;
- Access & Parking;
- Services and Drainage;
- Overcoming Previous Reasons for Refusal;
- Screening for Appropriate Assessment (AA);
- Screening for Environmental Impact Assessment (EIAR).

Zoning and Council Policy

The proposed use is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to its being in accordance with the relevant provisions of the South Dublin County Development Plan 2016 – 2022, with specific reference to section 11.3.2 (ii) – 'Corner/Side Garden Sites', and 11.3.2 (i) infill development.

Residential & Visual Amenity

Demolition (17.21sq.m)

The proposed demolition of the existing single storey side extension (labelled incorrectly in drawings as garage) is considered acceptable. This demolition will provide space for the proposed development to take place.

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Construction of 2 two storey, 3 bedroom dwelling houses

Internal Floor Area

The proposal comprises of the construction of 2 two storey, 3 bedroom dwelling houses (House 1A & House 1B) in the side garden of No. 1 Watermeadow Drive to create a terrace with the existing dwelling. The planning drawings submitted show that the internal floor areas for the **proposed 2 two storey 3 bedroom dwellings** with pitched roof measure c.118.4sq.m.(House 1A) and c.194.6sq.m.(House 1B) as stated. This would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 which requires a minimum floor area of 92sq.m for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses).

Private Open Space

The planning drawings submitted show that the quantity of private open space for the existing dwelling (No. 1 Watermeadow Drive) will be of a reasonable level post development (c.72.43sq.m). It is noted that a minimum area of private open space of 60sq.m is required for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses).

The private open space for proposed **House 1A** with an internal floor area of c.118.4sq.m measures c.64.65sq.m. A minimum area of private open space of 60sq.m is required for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses). Therefore, this would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 Section, 11.3.1 Residential (iv) Dwelling Standards, (Table 11.20: Minimum Space Standards for Houses).

The private open space for proposed **House 1B** with an internal floor area of 194.6sq.m measures c.100sq.m. A minimum area of private open space of 60sq.m is required for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses). Therefore, this would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 Section, 11.3.1 Residential (iv) Dwelling Standards, (Table 11.20: Minimum Space Standards for Houses). However, it is noted that this private open space will be enclosed by the existing 1.8m high block wall to the east of the subject site and will interface directly with the new vehicular entrance and 2 no. car parking spaces. This arrangement would not be acceptable and would not provide for satisfactory amenity space and will have traffic safety issues for vehicle visibility on egress. This is covered further in the Access & Parking section of this report. It is considered this may be addressed by way of **additional information**.

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Room sizes

Bedroom sizes broadly comply with Section 11.3.1 Residential (iv) Dwelling Standards regarding minimum internal floor areas for proposed bedrooms of the SDCC Development Plan 2016-2022.

The proposed unobstructed living room widths requirements would comply with Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007.

Overlooking & Separation Distance

House 1A will be built to the boundary with the existing dwelling (No. 1 Watermeadow Drive) to form a mid-terrace dwelling. **House 1B** will be built to the boundary with House 1A to form an end of terrace dwelling. House 1B will be setback from the eastern (front & side) site boundary by c.1.3m at its narrowest point and by c.5.0m at its longest point. It is noted that House 1B will be located on a bend.

Regarding House 1A, there will be a separation distance of c.22.8m between directly opposing above ground floor windows of House 1A with properties directly to the south on Old Bawn Avenue. Separation distances would comply with *Section 11.3.1 Residential (v) Privacy* of the SDCC Development Plan 2016-2022 whereby a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy.

Regarding House 1B there will be a significant shortfall from the 22m required regarding the windows on the rear bedrooms. **Further information should be sought on this issue.**

Dual Frontage

For **House 1B** at first floor level windows will be inserted facing onto the public pathway which will provide for an element of passive surveillance. All three bedroom will have windows facing the public realm providing for passive surveillance therefore adequate dual frontage will be broadly achieved in this instance.

Storage

Drawings submitted show a shortfall in dedicated storage for both proposed dwellings. **House 1A** will only provide for c.1.17sq.m. for storage and **House 1B** will only provide for c.3.14sq.m. This would not comply with the minimum storage area requirements as per the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. A minimum of 4sq.m of dedicated storage space should be provided for a 3 bed, 4 person, 2 storey house. Therefore, the level of storage to be provided

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would not comply with the above policy. It is considered this may be addressed by way of a request for **additional information**.

Building lines & Overbearing impact

The proposed main front and rear building line for **House 1A** and **House B** would broadly align with the front and rear building line of the existing dwelling on the subject site (No. 1 Watermeadow Drive). However due to the irregular triangular geometry on a corner site a considerable portion of **House 1B** would not align with the main front and rear building line of the existing dwelling. However, this remaining portion of **House 1 B** will be setback slightly from the public footpath that it will broadly align parallel with and in doing so will face directly opposite onto adjacent properties on Watermeadow Drive providing for a sense of legibility.

Site Analysis

The application has not been accompanied with a site analysis that addresses the scale, siting and layout of new development taking account of the local context. A site analysis should accompany all proposals for infill development as per Section 11.3.2 (i). Infill Development of the SDCC Development Plan 2016-2022. It is considered this may be dealt with by way of **additional information**.

Section 11.3.2 (i): Infill Developments:

Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*

The proposed provision of a long elevation for **House 1B** so close to the road edge, as part of an infill site, would not be considered to integrate architecturally with existing development. Although there is a proposed separation distance of c.1m to be provided from the public footpath the Planning Authority would require a further set-back at first floor level. It is considered the applicant can address this by way of **additional information**.

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Boundary Treatment

The existing 1.8 metre high block boundary wall treatment will be retained and would create issues with forward visibility for vehicles egressing proposed **House 1B**. It is considered this may be addressed by way of **additional information**. This is addressed further in the Access & Parking section of the report.

Boundary Treatment for proposed **House 1A** and **House 1B** is not clear. Therefore, the applicant is requested to submit clear boundary treatment details in both plan and elevation for all front, rear and all side boundaries including boundary treatment that may separate the private open space of **House 1B** from the proposed 2 no. car parking spaces adjacent to the new proposed vehicular entrance. All proposed boundary treatment details should comply with the SDCC Development Plan 2016-2022.

Roof Profile

The proposed dwellings will have a pitched roof with a ridge height that will align with the ridge height of the existing dwelling. This would visually accord with the character of the area and would not have a significant adverse impact on residential and visual amenity.

Environmental Health

A report was received from the Environmental Health Officer recommending the application to be acceptable subject to **conditions**. An extract taken from the EHO report states the following:

Development Summary

The application is for construction of 2 two storey dwellings on site noise pollution and air pollution restrictions will be necessary for the construction phase.

The above proposal is acceptable to the Environmental Health Department – subject to the following condition(s):

Construction Phase

Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday*
- Before 09.00 hours on Saturdays.*
- After 19.00 hours on weekdays, Monday to Friday.*

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- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

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.

Air Quality

During the construction / 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.

REASON: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Parks & Landscaping

A report was received from the Parks Department recommending a grant with **conditions**. There are 3 street trees on the adjacent grass verge to the front and to the side of the subject site. There is also a mature tree in the front and rear garden of the subject site. The site is bound to the eastern side by a block wall along a straight stretch of Watermeadow Drive. There is no boundary treatment to the front of subject site currently in situ.

An extract taken from the Parks report states the following:

1. Landscape Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:

- a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;*
- b) The planting plan shall clearly set out the following:*
 - i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate*
 - ii. Implementation timetables.*

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*iii. Detailed proposals for the future maintenance/management of all landscaped areas
c) types and dimensions of all boundary treatments*

CONDITION

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

2. Tree Bond

*A tree bond of €3,000 (three thousand euros) shall be lodged with the Planning Authority to ensure the protection of the existing street trees located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the trees proposed for retention are alive, in good condition with a useful life expectancy. **CONDITION***

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

3. Protection of Street Tree in Grass Margin

*In order to ensure the protection of the existing street tree adjacent to the entrance of this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area. **CONDITION***

REASON: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

In the event that the proposed entrance driveways cannot be re-located away from the existing street trees/or the development is limited to one new driveway entrance; then the following condition should be applied to any proposed grant of permission:

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4. No dig driveway

*No work shall commence on site until such time as a method statement for the "No dig" method of driveway construction for the new proposed vehicular entrance has been submitted to the Planning Authority. The existing street immediately adjoining the existing driveway shall be protected from damage as a result of the works on site, to the satisfaction of the Public Realm Section in accordance with it relevant British Standards (e.g., BS5837:2012) for the duration of the development. In the event that the tree become damaged during construction, the Public Realm Section shall be notified, and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Public Realm Section, it shall be replaced within the first available planting season, in accordance with details agreed with the Public Realm Section. **CONDITION***

Notwithstanding the Parks report it is considered that in the event of a grant a tree bond and appropriate tree protection measures shall be **conditioned** prior to commencement of development.

Access & Parking

A report was received from the Roads Department recommending **refusal**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

- *Demolition of side garage and building 2 x two-storey dwelling houses on site*
- *Using existing vehicular access to public roadway to serve 1 new dwelling*
- *forming 2 new vehicular access to public roadway to serve other new dwelling and existing dwelling.*
- *Access & Roads Layout:*

Access:

Alongside House No.1, the proposal provides for 2no. additional dwellings – No.1A & No.1B with 2 new vehicular access points proposed.

The proposed vehicular access points for 1 & 1A (1no new, 1no existing) are located at the junction of 2 public roads. There is also an established dropped kerb/pedestrian crossing point at this junction, adjacent to the House No.1 proposed access.

A mature tree located at these access points restricts forward visibility.

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A vehicular access point for House No.1B is proposed along the 1.8m high boundary wall. This access will have restricted forward visibility due to the height of the wall.

Car Parking:

The car parking required for two dwellings is 4 spaces. There are four additional car parking spaces proposed in the current application.

Roads recommends refusal on the grounds of generating a traffic hazard due to multiple access points on a bend, restricted forward visibility at unit 1A due to mature trees, restricted forward visibility at the 1B vehicular access due to the 1.8m high wall.

Should the planner recommend Additional Information the following information should be requested:

- 1. A revised plan drawing showing the new vehicular accesses not entering the public road on the bend.*
- 2. The wall in the vicinity of the vehicle access for unit 1B shall be lowered to a height of 900mm in order to have adequate forward visibility.
(All boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles).*
- 3. A sightline envelope analysis (visibility display) of each vehicle access shall be carried out to demonstrate adequate forward visibility at all proposed vehicle accesses.*
- 4. A topographical survey of all trees and utilities that will affect the location of accesses and the forward visibility at the access points.*

It is noted that the proposed new entrance for House 1B is located only a few metres from a bend on the roadway and would be a hazard. In terms of traffic hazard, the Roads Department reason for refusal is considered to be reasonable. However, it is considered this issue may be addressed by way of **additional information** and the items recommended by Roads for additional information are considered reasonable. However, an additional item shall be requested whereby the applicant is requested to submit revised drawings in plan and elevation clearly showing that the maximum width of all vehicle entrances shall be limited to 3.5m. In its current state drawings submitted show all vehicle entrances to be c.3.6m wide which is not acceptable.

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Services and Drainage

Both Irish Water and Surface Water Drainage have issued reports recommending no objections subject to **conditions**. An extract taken from the Irish Water report states the following:

IW Recommendation:

No Objection

IW Observations:

1 Water

Where the applicant proposes to connect to a public water network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul

Where the applicant proposes to connect to a public wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health and to ensure adequate water facilities.

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: No Objection Subject To:

Flood Risk: No Objection

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works

It is considered appropriate to attach the above **conditions** in the event of a grant.

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Overcoming Previous Reasons for Refusal

It is noted that the current application SD22A/0005 is for 2 dwelling houses as opposed to the previous application SD20A/0168 that was refused permission for 2 family flats. The reasons for refusal for SD20A/0168 are set out below:

SD20A/0168: Demolition of side garage and building 2 new two storey dwelling houses on site, each new dwelling containing 1 family flat unit, using existing vehicular access to public roadway to serve 1 new dwelling house. Two new vehicular access to public roadway to serve other new dwelling house and existing dwelling house. All associated ancillary site works.

Decision: **REFUSE PERMISSION.**

Reason 1.

(a) The provision of a family flat is provided for in Section 2.4.2 and Section 11.3.3 (ii) of the South Dublin County Development Plan 2016 - 2022. The Family Flats policy does not and cannot apply to new developments. There are three principal reasons for this conclusion:

(1) The policy on family flats allows for the setting aside of certain standards, to address extenuating circumstances. A new development is not constrained in the same manner as an existing house, and the relaxation of standards in such instances is inappropriate and not covered by the Family Flats policy.

(2) The family flats policy would, if utilised in this instance or by the precedent that would set, provide for substandard development across the county, which would not be in keeping with the proper planning and sustainable development of the county.

(3) The policy on family flats refers to subdivision or extension of a dwelling, rather than proposals for provision of a new dwelling.

(4) Section 11.3.3 of the County Development Plan relates to 'Additional Accommodation' comprising 'extensions' and 'family flat'. This implies that the 'Additional accommodation' is in addition to an existing house and would not be applicable to a proposed house. The proposal for a family flat is therefore contrary to the housing policy and residential standards of the South Dublin County Development Plan 2016 - 2022, and the 'RES' landuse zoning objective, and would therefore be contrary to the proper planning and sustainability of the area.

(b) Notwithstanding the above, it is further noted that the applicant would not satisfy the family flats policy as the council is not satisfied of the genuine need for a family flat, due to lack of supporting information provided.

Reason 2.

2. Having regard to:

- the 'RES' land-use zoning objective;*
- policy on corner site infill development, particularly in relation to dual frontage;*
- policy on maximum car parking rates;*

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- *policy on family flats;*
the proposed development would not comply with the housing policies and residential standards set out in the South Dublin County Development Plan 2016 - 2022, and would seriously injure the amenity of property in the vicinity due to:

- *provision of family flat in contravention of planning policy;*
- *no dual frontage or primary frontage addressing the long eastern boundary;*
- *detrimental impact on the streetscape arising from lack of frontage;*
- *provision for car parking in excess of the maximum rates provided for in the County Development Plan;*

The proposed development would therefore be contrary to the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.

It is considered that the current application SD22A/0005 differs substantially from the previous application that was refused and therefore this application shall be assessed on its own merits.

Screening for Appropriate Assessment (AA)

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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 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

Request Additional Information.

Recommendation

Request Additional Information.

Further Information

- Further Information was requested on 07/03/2022.
- Further Information was received on 01/09/2022.

No submissions/observations on the further information have been made.

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Further information

The following Further Information was requested.

Item 1: Roads Requirements

The applicant is requested to submit the information below to address requirements for Roads Section.

- (a) A revised plan drawing showing the new vehicular accesses not entering the public road on the bend.
- (b) The wall in the vicinity of the vehicle access for unit 1B shall be lowered to a height of 900mm in order to have adequate forward visibility.
(All 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).
- (c) A sightline envelope analysis (visibility display) of each vehicle access shall be carried out to demonstrate adequate forward visibility at all proposed vehicle accesses.
- (d) A topographical survey of all trees and utilities that will affect the location of accesses and the forward visibility at the access points.
- (e) Revised drawings in plan and elevation clearly showing that the maximum width of all vehicle entrances shall be limited to 3.5m.

Item 2: Private Open Space

The proposed arrangement for private open space for House 1B would not be acceptable. It would not provide for satisfactory amenity space and will have traffic safety issues for vehicular visibility on egress. The applicant is requested to submit revised drawings in plan and elevation clearly showing how it will provide for satisfactory private open space for House 1B.

Item 3: Site Analysis

- (a) A site analysis has not been submitted as part of this application to addresses the scale, siting and layout of the proposed development taking account of the local context. A site analysis should accompany all proposals for infill development as per Section 11.3.2 (i). Infill Development of the SDCC Development Plan 2016-2022. Therefore, the applicant is requested to submit a site analysis to take account of the above.
- (b) The proposed provision of a long elevation for House 1B so close to the road edge, as part of an infill site, would not be considered to integrate architecturally with existing development. Although there is a proposed separation distance of c.1m to be provided from the public footpath the Planning Authority would require a further set-back at first floor level. Therefore, the applicant is requested to submit revised drawings in plan, section and elevation to address this matter.

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Item 4: Storage.

Drawings submitted show a shortfall in dedicated storage. House 1A will only provide for c.1.17sq.m. for storage and House 1B will only provide for c.3.14sq.m. This would not comply with the minimum storage area requirements as per the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. A minimum of 4sq.m of dedicated storage space should be provided for a 3 bed, 4 person, 2 storey house. Therefore, the level of storage to be provided would not comply with the above policy. The applicant is therefore requested to submit revised drawings clearly showing that the required levels of dedicated storage will be provided for both proposed dwellings, House 1A and House 1B.

Item 5: Boundary Treatment.

Boundary treatment for proposed House 1A and House 1B is not clear. Therefore, the applicant is requested to submit clear boundary treatment details in both plan and elevation for all front, rear and all side boundaries including boundary treatment that may separate the private open space of House 1B from the 2 proposed car parking spaces adjacent to the new proposed vehicular entrance. All proposed boundary treatment details should comply with the SDCC Development Plan 2016-2022.

Further Consultations

Roads Department – Refusal recommended.

Further Submissions/Observations

None received.

Assessment

Item 1: Roads Requirements.

The applicant has submitted a cover letter and revised drawings (Dwg. 9 & 10) in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

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AI 1

We spoke to Pdraig Mc Gillycuddy (Roads engineer with SDCC) on the 12th August last . Pdraig asked for the following amendments to our submission.

- He asked that car spaces serving 1B are shown perpendicular to the road. This is shown on drawing number 10 enclosed.
- He asked that the vision splay starts 2.4m in from roads edge. This is clearly shown on drawing number 10 enclosed.
- He mentioned that drawing shown vision splay to 1B was too cluttered with information, and he could not clearly see the vision splay. He asked that drawing be streamlined to show vision splay on its own. Drawing number 10 clearly shows this.

AI 1A

The vehicular access serving 1B has been moved northward away from the bend, and new vehicular access serving existing house number 1 has been moved westward away from the bend . See drawing numbers 9 &10 enclosed.

AI 1B

The wall in the vicinity of 1B has been reduced to 850mm in height, to assist vision splay as requested. See drawing numbers 9,10,14,15 enclosed

AI 1C

Further to conversation with Pdraig Mc Gillycuddy (Roads engineer with SDCC), see sightline envelope analysis on drawing number 10 enclosed as requested.

AI 1D

See drawing number 301 enclosed from Landscape architecture Urban Design, this clearly shows all existing trees in the site vicinity as requested.

AI 1E

See revised site layout plan drawing number 10, the width of all vehicular entrances has been reduced to 3.5m in width as requested.

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The Roads Department reviewed the additional information submitted and issued a report recommending **refusal**. An extract taken from the Roads report states the following:

Applicant Submitted Response:

- (a) On the revised plan drawing there is one existing vehicular entrance, and two proposed new entrances shown which have been amended. The proposed new carparking to the existing dwelling No.1 has been relocated on the revised drawing to the west of the site but is **unacceptable** to the Roads Dept. It **is located on a bend** and its introduction to this relocated position would create an additional hazard to footpath users and also to vehicular traffic.*
- (b) The applicant proposes to lower the wall to 850mm which does meet the AI requirement for 1 (b).*
- (c) The applicant has not provided an understandable sightline envelope analysis, and the submission cannot be assessed (the 2.4m offset is located incorrectly).*
- (d) The applicant has proposed a no-dig driveway which would not be acceptable to Roads Dept. When permitted, all driveway aprons to be constructed and dished to the satisfaction of the council's Roads Maintenance Department.*
- (e) The applicant proposes to the dwelling 1B, a vehicular entrance width of 3500mm which does meet the AI requirement for 1 (e).*

Roads Department Assessment:

Roads Department recommended a refusal in the previous roads report and again do so in this report. There are no safe arrangements for introducing new parking spaces to the front of the existing dwelling No.1. The no-dig driveway proposal would not be acceptable as outlined above.

The applicant has gone some way to providing the required information in order to assess the possibility of providing a new entrance to the side, but unfortunately the sightline envelope analysis cannot be interpreted as presented.

Roads recommend refusal.

1(A).The revised drawings submitted show there is one existing vehicular entrance and two proposed new entrances which have been amended and relocated. The proposed new car parking for the existing dwelling (No. 1) has been relocated to the west of the subject site however Roads consider this new location to be unacceptable as it is **located on a bend** and its introduction to this relocated position would create an additional hazard to pedestrians and vehicles.

The Planning Authority considers the applicant has not satisfactorily responded to the request for additional information for this item 1(A).

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1(B). As the applicant has submitted revised drawings to lower the wall from 900mm to 850mm it is considered this element of the request for additional information is satisfactory to the Planning Authority.

1(C). As applicant has submitted revised drawings showing front boundary treatment for all dwellings to be lowered to 0.85m this is considered sufficiently low so as not to obscure vision for drivers of vehicles. Although visibility splay was incorrectly calculated from the incorrect location, considering visibility will be sufficient this element of the request for additional information is considered to have been satisfactorily addressed.

1(D). Revised landscape plan submitted shows existing trees. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

1(E). Revised drawings submitted show all vehicular entrances will be limited to a maximum width of 3.5m. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

As the applicant has not responded satisfactorily to item 1(A) the proposal should be **refused** as the new location for the vehicular entrance for the existing dwelling is unacceptable as it is located on a bend and its introduction to this relocated position would endanger public safety by reason of a traffic hazard.

Item 2: Private Open Space

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

AI 2

See drawing number 300 enclosed from Landscape architecture Urban Design , see also drawing numbers 9,10,14 enclosed from Bdc's Ltd . You have now have an inner 1.8m high wall separating and giving privacy to the inner 122m² of private open space provided to 1B.

The area to the east of the private open space is made up of parking area & outer garden out to east boundary. See response to AI 1, AI 1A above also .

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

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Item 3: Site Analysis

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

AI 3A

See site analysis report enclosed

AI 3B

See site analysis report enclosed

See drawing number 12 enclosed. East wall of 1B has been set back 1m at first floor as requested.

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 4: Storage

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

AI 4

See drawing numbers 9, 11, 12, 13 enclosed. House 1A has 2.8m² of storage at ground floor level, and 26m² of useable attic storage area. House 1B has 6.8m² of storage at ground floor level, 1m² of storage at first floor level and useable 53m² of storage at attic level. This exceeds the area requirements for storage.

The Planning Authority considers the applicant broadly complies and has satisfactorily responded to the request for additional information for this item.

Item 5: Boundary Treatment

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

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AI 5

See drawing number 300 enclosed from Landscape architecture Urban Design, see also drawing numbers 9,10,14,15 enclosed. These clearly show the boundary treatments to 1A & 1B. See also response to AI 2 above.

The Planning Authority considers the applicant broadly complies and has satisfactorily responded to the request for additional information for this item.

Conclusion

As the applicant has not responded satisfactorily to item 1(A) the proposal should be **refused** as the new location for the vehicular entrance for the existing dwelling is unacceptable as it is located on a bend and its introduction to this relocated position would endanger public safety by reason of a traffic hazard. As the proposed development would result in the creation of a traffic hazard this would be contrary to the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed location for the vehicular entrance for the existing dwelling is unacceptable as it is located on a bend and its introduction to this relocated position would endanger public safety by reason of a traffic hazard which would be contrary to the proper planning and sustainable development of the area.


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REG. REF. SD22A/0005


LOCATION: 1 Watermeadow Drive, Old Bawn, Tallaght, Dublin 24.



Jim Johnston,
Senior Executive Planner

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

Date: 27/09/22



Gormla O'Corrain, Senior Planner