

# Comhairle Chontae Atha Cliath Theas

**PR/1242/22**

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

**Reg. Reference:** SD22B/0360      **Application Date:** 10-Aug-2022  
**Submission Type:** New Application      **Registration Date:** 10-Aug-2022  
**Correspondence Name and Address:** Paul C Mealy, Architect Limited 11, The Courtyard,  
Friar's Hill, Co. Wicklow, A67 Y718  
**Proposed Development:** Single storey side extension. Comprising of a one  
bedroom family apartment and location of new  
effluent treatment plant to north west side of existing  
dwelling at Hazelhatch Road, New castle, D22, HD34.  
**Location:** Hazelhatch Road, NewCastle, Dublin 22, HD34  
**Applicant Name:** Margaret Carrigan, Margaret Carrigan  
**Application Type:** Permission

(CS)

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

Site Area: Stated as 0.165 Hectares.

### **Site Description:**

The subject site is located along Hazelhatch Road (R405) in Newcastle. The subject dwelling is a single storey detached dwelling with a pitched roof. There are two other similar style detached dwellings to the east of the subject site with a mainly uniform building line.

### **Proposal:**

The proposed development consists of the following:

- Construction of a family flat to the side of existing single storey detached dwelling.
- New effluent treatment plant to north west side of existing dwelling.
- Proposed works measures 59.2sq.m.

### **Zoning:**

The subject site is subject to zoning objective 'RU' – 'To protect and improve rural amenity and to provide for the development of agriculture.'

### **Consultations:**

Surface Water Drainage: No report received

Irish Water: No report received

Environmental Health: No objection subject to **conditions**.

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### *SEA Sensitivity Screening*

Indicates overlap with Rural 2016.

It is noted the subject site is located within the objective Rural 'RU' zone.

### Submissions/Observations /Representations

None.

### Recent Relevant Planning History:

**S01B/0403:** Refurbishment of bungalow including attic conversion, rooflights, changes to elevations, internal alterations, and associated site works.

Decision: **GRANT PERMISSION.**

Adjacent sites

**SD21A/0011:** Hazelhatch Road, Newcastle, Co Dublin.

Two storey dwelling; garage and effluent treatment plant located to north west side of existing dwelling and for effluent treatment plant serving existing dwelling.

Decision: **REFUSE PERMISSION.**

ABP-309958-21: **APPEAL REFUSED.**

### Relevant Enforcement History:

None traced.

### Pre-Planning Consultation:

No Pre-Planning consultation recorded.

### 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).*

*Section 6.9.2 Rural Housing in RU zone*

*Section 6.9.7 Rural Housing and Extension Design*

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*Policy H23: Rural Housing and Extension Design*

*Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.*

*Section 12.5.3 Density and Building Height*

*Section 12.3 Housing – Residential Development*

*Section 6.7.1 Residential Design and Layout*

*Section 6.7.5 Privacy and Security*

*Section 12.6.7 Residential Standards*

*Section 12.6.8 Residential Consolidation*

*Section 12.7.4 Car Parking Standards*

*Table 12.26: Maximum Parking Rates (Residential Development)*

*Section 12.7.6 Car Parking Design and Layout*

*Section 12.10.1 Energy Performance in New Buildings*

*Section 12.3.1 Appropriate Assessment*

*Section 12.3.3 Environmental Impact Assessment*

*Section 12.4.2 Green Infrastructure and Development Management*

*GII Objective 4:*

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

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### *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.*

### *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.*

### ***House Extension Design Guide, South Dublin County Council Planning Department (2010)***

Included as ***Appendix 5*** of the South Dublin County Council Development Plan 2010-2016.

### Section 6.8.3 Family Flats

#### Policy H15 - Family Flats

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

H15 Objective 1: To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: *Implementation and Monitoring*.

### Section 2.6.8 Residential Consolidation

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing 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 generally exceed 50% of the floor area of the existing dwelling house;
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;

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- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and 'that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

### **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 6.8.2 Residential Extensions**

Domestic extensions allow for the sustainable adaptation of the County's existing housing stock. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the Development Plan.

**House Extension Design Guide** South Dublin County Council Planning Department, 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 of the Environment, Heritage, and Local Government, (2007).

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Environmental Health
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

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

The site is zoned objective 'RU' which seeks 'To protect and improve Rural Amenity and to provide for the development of Agriculture.' A residential family flat extension to a dwelling would be acceptable in principle subject to the provisions of the SDCC Development Plan 2022-2028 regarding family flat development and extensions, where a valid case for the family flat development is provided, and where the proposal would not otherwise detract from the existing residential amenity of the area.

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### *Residential & Visual Amenity*

In the South Dublin County Development Plan 2022 – 2028 Section 6.8.3 Family Flats states:

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated. In the South Dublin County Development Plan 2022 – 2028 Section 12.6.8 Residential Consolidation (Family Flats) states:

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing 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 generally exceed 50% of the floor area of the existing dwelling house;
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

The applicant has submitted information to satisfactorily demonstrate that there is an established need to provide semi-independent accommodation for an immediate family member (older parent or other dependent). This element complies with the criteria of the South Dublin County Council Development Plan 2022-2028, Section 12.6.8 Residential Consolidation (Family Flats) and Housing Policy (H) Policy 15 Family Flats.

The existing dwelling has a floor area of c.193sq.m. and the proposed family flat measures c.59.2sq.m. This will mean a total internal floor area of c.252.2sq.m. The proposed family flat does not exceed 50% of the total floor area of the existing main dwelling. Therefore, this element complies with the criteria of the South Dublin County Council Development Plan 2016-2022, Section 12.6.8 Family Flats and Housing (H) Policy 15 Family Flats.

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The proposed family flat is connected directly to the main house via a link corridor. This would comply with the South Dublin County Development Plan regarding Family Flats, Section 12.6.8 Residential Consolidation (Family Flats).

The proposed family flat will have its own separate front door access on the front elevation of the family flat. This **would not comply** with Council Policy on family flats (Section 12.6.8 Residential Consolidation (Family Flats) which states:

- *The main entrance to the existing house shall be retained and **the family flat shall be directly accessible from the front door of the main dwelling via an internal access door,** and the design criteria for dwelling extensions will be applied;*
- ***Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;***

The above requirements are not reflected in the layout and design of the family flat.

It is considered this may be addressed by way of **Additional Information** whereby the applicant is requested to submit revised planning drawings clearly showing the omission of the proposed separate front door to the family flat and relocating it to the side or to the rear to provide access to the rear private open space or for escape from fire.

The proposed single storey family flat extension with pitched roof will have a ridge height set slightly below the ridge height of the existing dwelling. The family flat will be offset slightly from the western site boundary. It will be setback slightly from the main front building line and from the main rear building line of the existing dwelling. The extension will span a width of c.8.248m and will project a length of c.8.15m. It is not considered that the proposal will have a significant adverse overbearing impact and would comply with the design criteria for dwelling extensions in the rural area.

Having regard to the scale and design of the proposed extension, it is considered that no adverse visual impact would occur on the character of the surrounding area and when viewed from the wider area and would not constitute an obtrusive feature in the landscape and would be consistent with H23 Objective 1 of the County Development Plan which ensures that all new rural housing and extensions within Zoning Objective 'RU' are *designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features.* The proposal is therefore considered acceptable in term of visual impact.

### ***Services and Drainage***

No reports have been received from Irish Water or Surface Water Drainage regarding the proposal . However, in the event of a grant it is considered that standard drainage **conditions** shall be attached.

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### *Environmental Health*

A report was received from the Environmental Health Officer recommending no objections subject to **conditions**. An extract taken from the EHO report states the following:

### *Comments*

*The Environmental Health Department notes this application includes the construction of a one bedroom apartment and location of a new effluent treatment plant to side of the existing dwelling.*

*When assessing a proposal for a waste water treatment system the main considerations include:*

- 1. Potential risk of groundwater contamination*
- 2. Contamination risk of other water sources e.g., well, mains etc.*
- 3. Public health risk to members of the public should site be unsuitable*

*The applicant has submitted a site characterisation report dated the 9<sup>th</sup> of October 2019. The report was conducted by Dr Eugene Bolton of the company Trinity Green. Whilst it is noted the site characterisation report has not been conducted recently there is no reason for Environmental Health to believe the ground conditions have changed. The report notes the ground has a good level of soakage with no concern raised with regards to the installation of a packaged wastewater treatment system.*

*The assessor states that a Septic tank system would not be suitable however has indicated that a secondary treatment system or tertiary treatment system would be suitable.*

*Secondary Treatment Systems are self-contained waste water treatment systems which uses the processes of aeration followed by clarification to achieve biological treatment of wastewater. As the system is self-contained this poses less risk to groundwater and surrounding areas.*

*The Site Assessor has made some site specific recommendations a condition has been included below to ensure the waste water treatment system is installed as per these specific recommendations.*

*The proposal is **acceptable** to Environmental Health subject to the following **conditions** set out below.*

- 1. The waste water treatment system must be installed as per the recommendations set out under section 5 of the site characterisation report completed by Dr Eugene Bolton of Trinity Green, dated the 9<sup>th</sup> of October 2019.*
- 2. The applicant shall enter into an on-going maintenance contract with an appropriately qualified person for the lifetime of the waste water treatment system to ensure the wastewater treatment system is working effectively at all times.*



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3. *The proposed polishing filter percolation area and packaged system must comply with all relevant set back distances as per the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10) 2009, to include:*
  - *3 metres from the site boundary*
  - *4 metres from any roads*
  - *10 metres from the percolation area for any dwelling*
  - *7 meters from the existing septic tank on-site.*
4. *No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc.) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.*
5. *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.*

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

#### ***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*

- Family flat c.59.2sq.m.
- No previous extension therefore 40sq.m exemption remains.
- Assessable area is 19.2sq.m..

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – family flat	59.2
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.165

### Conclusion

It is considered that the proposed family flat would not comply with Council policy in relation to having a separate front entrance door and it is considered this may be dealt with by way of **additional information.**

### Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to submit revised planning drawings clearly showing the omission of the proposed separate front door to the family flat and relocating it to the side or to the rear only to provide access to the rear private open space or for escape from fire.


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**REG. REF. SD22B/0360**

**LOCATION: Hazelhatch Road, NewCastle, Dublin 22, HD34**

  
\_\_\_\_\_  
**Jim Johnston,  
Senior Executive Planner**

**ORDER:** I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

**Date:** 4/10/22

  
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**Gormla O'Corrain, Senior Planner**