

Comhairle Chontae Atha Cliath Theas

PR/1277/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0370 **Application Date:** 18-Aug-2022
Submission Type: New Application **Registration Date:** 18-Aug-2022

Correspondence Name and Address: John Shevlin 114 Ashington Rise,, Navan Road,,
Dublin 7

Proposed Development: The demolition of the existing first floor rear
extension including the raised ridge line and first
floor window.

The construction and reinstatement of a pitched roof
to the rear with original ridge height to match
existing

ridge heights on Cherrywood Grove.

Location: 69, Cherrywood Grove, Dublin 22

Applicant Name: Damien Long

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0222

Site Description:

The site is located within the established Cherrywood residential estate and contains a semi-detached 1.5 storey dwelling with shallow pitched roof profile and side entrance. The streetscape of Cherrywood Grove is characterised by semi-detached houses of similar form and appearance with a mainly uniform building line. A small number of dwellings on the street have constructed two storey rear extensions which have involved the raising of the main roof ridge line.

Proposal:

The proposed development consists of the following:

- The demolition of the existing first floor rear extension including the raised ridge line and first floor window.
- The construction and reinstatement of a pitched roof to the rear with original ridge height to match existing ridge heights on Cherrywood Grove.

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It is noted that a recent application reg. ref. **SD20B/0483** was **refused permission for retention** for the following:

- Conversion of attic space with raised roof to rear consisting of 2 first floor bedrooms and bathroom and 2 roof lights to front roof plane.

Zoning:

The subject 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.

SEA Sensitivity Screening

No overlap indicated for relevant environmental layers.

Submissions/Observations /Representations

One submission objecting to the proposal was received. The main concerns raised relate to the following:

- Objection to rectify the existing first floor extension.
- SD20B/0483 was refused retention by ABP and substantive reasons for this decision to refuse have not changed.
- The existing extension is incongruous to its surroundings and is an infringement on the privacy of neighbouring dwellings.
- The proposal for rectifications will still be visually incongruous and obtrusive and out of character with the surrounding area.
- There will still be visual impact with regards to raised ridge roof and proposal of tiles to existing window.
- Impact on property valuation.
- Set an undesirable precedent for similar developments.

The issues raised in the third-party submissions have been considered in assessing this planning application.

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Relevant Planning History

SD20B/0483: Conversion of attic space with raised roof to rear consisting of 2 first floor bedrooms and bathroom and 2 roof lights to front roof plane.

Decision: **REFUSE PERMISSION FOR RETENTION.**

Reasons for Refusal (SD20B/0483).

The development for retention, by reason of the height and size is visually obtrusive and would further erode the visual amenity and character of the area. The proposal is contrary to the House Extension Design Guide (2010) which states 'do not create a higher ridge level than the roof of the main house' and 'the roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.'

As such, the proposed development would contravene the South Dublin County Council Development Plan, 2016 - 2022 as it would be contrary to the provisions of Policy H18, Section 11.3.3 (i) and the proper planning and sustainable development of the area.

Decision to refuse permission for retention was appealed to ABP under **ABP-309614-21** which was also refused permission for retention.

Reasons for refusal (ABP-309614-21).

1. Having regard to the location of the site, to the established built form and character of Cherrywood Grove, it is considered that the development proposed to be retained, consisting of a first-floor extension to a single storey house, which projects above the existing roof ridgeline, would be incongruous in terms of its design and would be out of character with the streetscape thereby setting an undesirable precedent for future development in this area. The development proposed to be retained would seriously injure the visual amenities of the area, would be contrary to H18 Objective 1 of Housing (H) Policy 18 of the South Dublin County Development Plan 2016 – 2022 and the associated House Extension Design Guide (2010), and would, therefore, be contrary to the proper planning and sustainable development of the area.

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2. Having regard to the pattern of development in the area and the nature of the development proposed to be retained, it is considered that the extension, by reason of its two-storey nature within an area of predominantly single-storey houses, and its proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overlooking leading to a loss of privacy. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjacent sites

SD17B/0278: 54 Cherrywood Grove, Clondalkin, Dublin 22.

Conversion of attic space which will consist of raising the roof to the rear, creating a first-floor extension with two new rear facing first floor windows and two new roof lights to front of existing roof.

Decision: **REFUSE PERMISSION**

Reasons for Refusal.

1. *The proposed extension is excessive in height and size, visually obtrusive, and would further erode the visual amenity and character of the area. It would be contrary to Council policy as set out in Policy H18, which requires the protection of visual amenity in the construction of extensions, and contrary to the House Extension Design Guide (2010) which explicitly states both 'do not create a higher ridge level than the roof of the main house' and 'the roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.'*
As such, the proposed development would materially contravene the South Dublin County Council Development Plan, 2016 - 2022 as it would be contrary to the provisions of Policy H18 and Section 11.3.3 (i).
2. *The grant of permission for a development which directly contradicts the stated adopted policies of the plan would set an undesirable precedent for other similar developments, which would, in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area*

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SD13B/0149: 27, Cherrywood Grove, Dublin 22.

Conversion of attic space which will consist of raising the roof to the rear creating a first floor bedroom, bathroom and storage area room with two new rear facing windows to the 1st floor area and two new rooflights to the front pitch of the existing roof.

Decision: **GRANT PERMISSION.**

SD12B/0081: 105, Cherrywood Grove, Dublin 22.

Internal alterations and refurbishment of the property including the raising of the rear section of roof by 0.25m and the construction of two bedrooms and one shower room at attic level.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

ENF. S8389: Live case remains open.

New roof 500mm above existing roof ridge without PP. (Bungalow extended to a 2-storey ext.).

Pre-Planning Consultation

PP005/22.

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 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

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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).

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*.

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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
- 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 2022-2028 and the SDCC House Extension Design Guide 2010.

Residential & Visual Amenity

Demolition (20.16sq.m.)

The existing first floor extension will be demolished including the raised ridge line and first floor window to allow for construction of the new extension. This is considered to be broadly acceptable in this instance.

Construction/reinstatement of a pitched roof to the rear with original ridge height

Drawings submitted show the existing ridge height for the rear first floor extension to be c.6.55m and the existing eaves height to be c.5.25m. The proposed drawings show the ridge height will be reduced to align with the ridge of the original existing dwelling whereby it will have a ridge height of c.5.25m and an eaves height of c.4.15m. The original ridge height will now be reinstated and a pitched roof similar to the front pitched roof will replace the first floor rear extension. There will be no windows at first floor level therefore there will be no undue overlooking. The rear pitched roof will contain rooflights for natural light and ventilation and the rear first floor bedroom will be replaced by a Home Office/Storage area (non-habitable). It is proposed to tile the first floor element of the rear wall to match the roof tiles. The proposal would integrate reasonably well with the character of the area and with the character of the

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existing dwelling. The proposal would not have a significant adverse impact on residential and visual amenity.

Services & Drainage

No reports have been received from Surface Water Drainage or Irish Water. Notwithstanding this it is considered that standard drainage **conditions** shall be attached 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

- Demolition and reconstruction of rear extension c.20.16sq.m.
- No additional internal floor area proposed. Area is non-habitable.
- Assessable area is nil.

Development Contributions	
Planning Reference Number	SD22B/0370
Summary of permission granted & relevant notes:	Residential Extension – 20.16sq.m. Demolition and reconstruction of rear extension. No additional floor area proposed. Area non-habitable.
Are any exemptions applicable?	Yes
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	20.16
Amount of Floor area, if any, exempt (m2)	40
Total area to which development contribution applies (m2)	0
Total development contribution due	€0.00

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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – rear extension	20.16sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0222

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 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 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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (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.

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(b) Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust 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

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minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

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

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

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

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 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/0370

LOCATION: 69, Cherrywood Grove, Dublin 22



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 11/10/22



Gormla O'Corrain,
Senior Planner