

Comhairle Chontae Atha Cliath Theas

PR/1282/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0368 **Application Date:** 17-Aug-2022
Submission Type: New Application **Registration Date:** 17-Aug-2022

Correspondence Name and Address: Bridget MacCormaic 2, Marian Road, Rathfarnham, Dublin 14, D14 KX63

Proposed Development: Demolition of part of existing garage. Construction of a new single storey extension to side and rear of dwelling. Replacing existing single storey flat roof with pitched roof. Relocating to existing vehicular entranceway, pedestrian access at existing vehicular entrance and associated site works.

Location: 2, Marian Road, Rathfarnham, Dublin 14, D14 KX63

Applicant Name: Colm and Bridget MacCormaic

Application Type: Permission

(BC)

Description of Site and Surroundings

Site Area: stated as 0.0512 hectares on application form.

Site Description:

The subject site is located on Marian Road, overlooking the junction with Butterfield Avenue. Rathfarnham shopping centre is located across the road from the subject site. Access to the property is located at the traffic-controlled junction of Marian Road by the stop line of the left-hand traffic lane. The subject property consists of a two storey, semi-detached dwelling that has evidence of previous extensions to the side and rear. Mature hedgerows border the site on the Marian Road/Butterfield Avenue boundaries. The area to the south, east and west is largely residential in character. The adjoining semi-detached dwelling No.146 Butterfield Avenue has a permitted and constructed single storey extension to the side and rear.

Proposal

The application proposes the following:

- Demolition of part existing garage (4.4sqm)
- Construction new single storey extension to side and rear of dwelling
- Replace existing single storey flat roof with pitched roof
- New vehicular entrance and pedestrianise existing entrance

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Zoning

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'. Residential development is permitted in principle under land use zoning objective 'RES'.

Consultations

Irish Water –	No report received at time of writing.
Surface Water Drainage –	No report received at time of writing
Roads Department –	No objections subject to conditions.
Parks Department –	No objections subject to conditions.
EHO -	No report received at time of writing.

SEA Sensitivity Screening - Indicates no overlap with the relevant environmental layers.

Submissions/Observations /Representations

Submission expiry date - 20/09/2022

No submissions or observations were received.

Relevant Planning History

Subject Site:

SD20A/0315 - 2, Marian Road, Dublin 14.

Demolition of existing granny flat and the construction of a new three-bedroom dwelling house with first floor terrace including minor alterations to the existing dwelling; formation of a new entrance driveway and all necessary and attendant site works.

Refuse Permission

Reasons for refusal:

1. **Residential Amenity** - The proposed new dwelling, by reason of the excessive height and depth of the structure proposed, the siting directly on the shared boundary and the proximity to neighbouring residential properties including habitable room windows and their private amenity space, would result in a significant and material loss of light, overshadowing, overlooking and unacceptable sense of enclosure and overbearing impact on the existing dwelling. Thus, the proposed development would seriously injure the amenities of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.
2. **Surface Water** - Having regard to the lack of information submitted in relation to surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area.

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3. **Water and Foul Water** - Having regard to the lack of information submitted in relation to water and foul water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area.

Adjacent Sites:

SD16B/0118 - 146, Butterfield Avenue, Dublin 14.

Demolition of existing garage; (2) construction of new single storey extension to side and rear of dwelling; (3) construction of new garage to rear garden of dwelling; (4) relocation of existing vehicular entranceway and associated site works.

Grant Permission

SD18B/0167 - 144, Butterfield Avenue, Rathfarnham, Dublin 14.

Removal of existing garage to side, construction of two storey extension to side, single storey extension to rear of existing dwelling with rooflight and all associated site works.

Grant Permission

S99B/0376 - 3 Marian Road, Rathfarnham, Dublin 14.

Extension at rear of house, front porch, alterations to elevations, internal alterations and ancillary works.

Grant Permission.

Relevant Enforcement History

None identified for subject site in APAS.

Pre-Planning Consultation

None identified on APAS for subject site.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

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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Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

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.

Section 6.8.2 Residential Extensions

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

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

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 12 Implementation and Monitoring

12.6.8 Residential Consolidation

Corner / Side Garden Sites

Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;*
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;*
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.*

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- *Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*
- *The architectural language of the development (including boundary treatments) should generally 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;*
- *A relaxation in the quantum of private open space may be considered on a case by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;*
- *Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.*

Section 13.5.8 Residential Consolidation

Extensions

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

12.7.6 Car Parking Design and Layout

In-Curtilage Parking

In-curtilage car parking will be considered to the front of the house for lower density residential development (40 dwellings per hectare or below), subject to:

- Sufficient measures to promote a self-regulating street environment;
- Adequate plot widths to enable the planting of materials which have a low-level screening effect;
- The provision of conveniently located on-street parking for visitors.

Widening of Driveways to Accommodate In-Curtilage Parking

Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

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South Dublin County Council House Extension Design Guide (2010)

The House Extension Design Guide contains the following general guidance on house extensions and specific guidance on side and rear extensions:

Side extensions:

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.*
- *Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.*
- *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *Avoid the use of prominent parapet walls to the top of side extensions.*

Rear Extensions:

- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

Elements of Good Extension Design:

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

Overlooking and loss of privacy

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

Overbearing Impact

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

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Relevant Government Policy & Guidelines

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

Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.

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).

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG, 2009.

Assessment

The main issues for assessment are as follows:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Roads
- Parks and Landscaping
- Green Infrastructure
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' The development of a residential extension is permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Section 12.6.8 Residential Consolidation, Corner / Side Garden Sites and the South Dublin County Council House Extension Design Guide (2010).

Residential and Visual Amenity

Single storey extension to side and rear

The proposal would see the demolition of part of the existing single storey side garage to allow for a side and rear single-story extension. The extension would remove the garage component of the dwelling and form an extended kitchen/living/dining room, c50sqm in size with central island unit in open plan format. The east elevation wall of the current garage would be extended outwards by c1.3m to align with the building line of an extension to the rear which was constructed c2010. Internal changes will allow for the creation of a garden room, guest bedroom, office, w/c, utility and bathroom.

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The extension will not have an overbearing impact on the neighbouring properties. The extension is of a similar scale and height to the constructed extension on the adjoining dwelling and is sufficiently setback from No. 4 Marian Road so as not to injure the visual amenity or overshadow the neighbouring dwelling.

Replace single storey flat roof with pitched roof

The flat roof over the existing extension elements has a mixed range of roof height with a height of 3.15m in its tallest element with a further two elements of an extension (garage/kitchen) at 2.7m in height. The ridge height of the main dwelling house is 8.1m.

The proposed development would introduce a mono-pitched roof to a height of 3.7 at the rear of existing dwelling where it will join the dwelling. The roof with pitch around the side of the main dwelling house from the ridgeline height of 3.7m, reducing to the eaves of 2.95m on the front elevation of the side extension. The pitched roof would be in keeping with the character and profile of roofs in the surrounding area and would be finished in a modernistic sloped metal seam in rust colouring.

Seven rooflights are incorporated into the design of the roof allowing more light penetration to rooms that will not get much direct light.

A flat roof element with parapet of height 3.1m remains to the rear of the extension closest to the neighbouring dwelling (No.4 Marian Road). This is acceptable to the local authority.

In relation to the house extension design guide 2010, where the extension is to the side of a house on a corner plot, as is the subject site, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road. The proposed development provides 3 windows and a large double door on the side elevation which overlook Marian Road providing passive surveillance and is in line with the policy contained with the extension design guide.

The existing boundary hedging should also be maintained and is in line with the recommendations in the house design guide.

Relocation of vehicular entranceway

The applicant has proposed a new vehicular entrance with the current entrance being reduced from the current c4.3m vehicle entrance to a 1.3m wide pedestrian entrance. The new entrance would be c 22.8m further south on Marian Road and would mean the entrance would be located before the traffic signalled junction. The proposed new vehicular entranceway is acceptable in principle however, modifications are required to the design in order it to comply with policy.

This can be obtained in the event of a grant in permission by the way of **condition**.

The entrance and parking area would be a depth of 10m at its shortest point and 12.7m at the longest. This is acceptable in principal; however, it will reduce the levels of private amenity space to the side of the dwelling. In the event that permission is granted, a **condition** should be added to ensure the previous entrance and parking area returns to private amenity space.

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In summary, the proposed developments which would be modern in appearance will not seriously injure the amenities or cause an overbearing impact on the neighbouring dwellings and is deemed acceptable.

Previous Refusal

The previous application on the subject site included proposals for demolition of the existing granny flat (not noted as such in current application) and construction of a new three-bedroom dwelling house with first floor terrace including minor alterations to the existing dwelling; formation of a new entrance driveway and all necessary and attendant site works. The main reason the application was refused as the proposed new dwelling, by reason of the excessive height and depth of the structure proposed, the siting directly on the shared boundary and the proximity to neighbouring residential properties including habitable room windows and their private amenity space, would result in a significant and material loss of light, overshadowing, overlooking and unacceptable sense of enclosure and overbearing impact on the existing dwelling. Thus, the proposed development would seriously injure the amenities of property in the vicinity.

The subject sites proposal addresses the main reason for refusal in the previous application by omitting any proposals for a separate new dwelling on the shared boundary with No.4 Marian Road and by ensuring appropriate setbacks are adhered to with the scale and massing of the proposed extension and avoiding any major negative impacts which the proposed extension would have on the existing or neighbouring properties.

Water and Drainage Services

There were no reports available from Water Services or Irish Water at the time of writing, but given the size, scale and nature of the proposed development, it is considered appropriate that the standard **conditions** should apply in the event of a grant of permission.

Roads

The Roads department of the council have reviewed the application and have stated no objection subject to the proposed development provided the following conditions are applied to any grant of permission and that, prior to the 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.

In the event of a grant of permission, the following **conditions** should be applied:

1. The vehicular access points shall be limited to a width of 3.5 meters.
2. The 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. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's

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expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

4. Any gates shall open inwards and not out over the public domain.

The above conditions in relation to the proposed development are deemed appropriate.

Parks and Landscaping

The Public Realm Section of the council has reviewed the application, and has provided the following comments:

In relation to the above proposed development, Public Realm have reviewed the application and although we do not object to the demolition and construction of the building extension, we recommend the following conditions to be included as part of any grant of permission;

Conditions

Protection of Street Trees in Grass Margins

- The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area 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 areas indicated on plan. **NCBH11 Objective 3**

Proposed Removal/Reduction of grass margin to facilitate a new driving entrance

- The Public Realm Section would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the provision of a new entrance. We believe this sets an unwanted precedent and grass margins should be retained where possible in the urban setting.
- Grass margins in urban areas provide a full range of ecosystem services such as regulating the water cycle by promoting infiltration, thus facilitating regeneration of ground-water stocks and evapotranspiration. In addition, they mitigate the heat-island effect through transpiration and evaporation and provide cooler.

The Public Realm comments and suggested conditions regarding the protection of street trees and the grass margin are noted. In the event that permission is granted further details could be secured by condition. This would not warrant a reason for refusal in this case.

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Green Infrastructure

The subject application provides for a relatively small increase (14sqm) in the footprint of the subject application for single storey side and rear extension and vehicular entrance on an established suburban residential site. It is considered that there is adequate private open space available given the modest increase in footprint. The site is located on the Primary GI Corridor: Dodder River Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development which will not result in the significant loss of hedgerow, trees and or grassland, therefore a full GI Plan is not required for this application.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the construction of a new single storey extension to side and rear of dwelling, replacement of existing single storey flat roof with pitched roof and the relocating to existing vehicular entranceway.

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

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.

Development Contributions

Previous extensions 27sqm

Demolition works 4sqm

Proposed works 14sqm

Exemption remaining 13sqm

Total 1sqm

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Planning Reference Number	SD22B/0368
Summary of permission granted & relevant notes:	Demolition of part of existing garage. Construction of a new single storey extension to side and rear of dwelling. 14sqm of works proposed. 27sqm of previous extension (c2016) 13sqm of exemption still exist.
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)	14
Amount of Floor area, if any, exempt (m2)	13
Total area to which development contribution applies (m2)	1
Total development contribution due	€104.49

SEA monitoring

Building use type proposed: Residential

Floor Area: 14sqsqm.

Land Type: Urban Consolidation

Site Area: 0.0512 Hectares.

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Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028 and South Dublin County Council House Extension Design Guide (2010),
- the existing character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.
(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for

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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 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

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Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

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

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

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

3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €104.49 (one hundred and four euro and forty nine cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

4. The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. Prior to the commencement of development, the applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, including as follows:
- a) The applicant shall include SuDS (Sustainable urban Drainage Systems)

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features for the proposed development such as but not limited to the following:

- Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.

- Permeable Paving
- Grasscrete
- Green Roofs,
- Rain gardens
- Swales
- Permeable Paving
- Grasscrete
- Channel Rills
- Planter Boxes water butts

b) The proposed car parking area shall be constructed using a permeable surface such as Permeable Paving, Grass Paving or Porous Asphalt as part of SuDS (Sustainable Drainage System).

REASON: In the interest of providing suitable SuDS measures

5. 1. The vehicular access points shall be limited to a width of 3.5 meters.
2. The 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. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
4. Any gates shall open inwards and not out over the public domain.

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.

6. Protection of Street Trees in Grass Margins;
The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area 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 areas indicated on plan. NCBH11 Objective 3

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

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7. The applicant shall ensure that the current car parking area where vehicular access point is, is returned to private amenity space on completion of the new vehicular entrance. Private Amenity Space must be useable, functional and good quality space.
REASON: In the interest of proper planning and sustainable development.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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

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

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

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REG. REF. SD22B/0368

LOCATION: 2, Marian Road, Rathfarnham, Dublin 14, D14 KX63



Deirdre Kirwan,
Senior Executive Planner

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