

Comhairle Chontae Atha Cliath Theas

PR/1299/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0375 **Application Date:** 24-Aug-2022
Submission Type: New Application **Registration Date:** 24-Aug-2022
Correspondence Name and Address: Ciaran Mulhall 41, Oaklawn Close, Leixlip, Co. Kildare
Proposed Development: Construction of a part garage conversion to allow for w.c. pantry and utility; first floor extension to the side over the existing garage; attic conversion to include roof dormer to the rear and two rooflights to the front; a single storey flat roof extension to the rear and all associated site works.
Location: 38, Anne Devlin Road, Dublin 14
Applicant Name: Mohamed Abokhshabah
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area

Stated as 0.0465 Hectares.

Site Description

The application site is located in Anne Devlin Road, a residential estate which links the Ballyroan Road and Butterfield Avenue. The subject property is a two-storey, semi-detached property with a pitched roof. The area is characterized by dwellings of similar architectural design and a relatively uniform building line.

Proposal:

The development will consist of:

- Construction of a part garage conversion to allow for w.c. pantry and utility.
- First floor extension to the side over the existing garage.
- Attic conversion to include roof dormer to the rear and two rooflights to the front.
- Single storey flat roof extension to the rear and all associated site works.
- Total area of works 72.25sqm.

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Zoning:

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Consultations:

Irish Water - No report received at time of writing.

Water Services – No report received at time of writing.

Roads Department – No objections.

Parks – No objections or comments.

SEA Sensitivity Screening

No overlap with relevant layers.

Submissions/Observations /Representations

None

Relevant Planning History

Subject Property

85B/177 – **Permission Granted** for single storey extension to the rear of 38 Anne Devlin Road.

89B/1348 – **Permission Refused** for extension to the front of house at 38 Anne Devlin Road.

ABP Refused - Reason: The proposed extension by virtue of its size, design and the extent to which it is forward of the existing building line, would seriously injure the residential amenities of property in the vicinity and would thereby be contrary to the proper planning and sustainable development of the area.

S93B/0014 – **Granted Permission** for new entrance porch and garage extension at the front.

Adjacent sites:

SD22B/0005 - 27, Anne Devlin Road, Dublin 14 – **Permission Granted** for demolition of a single storey outbuilding to the rear; construction of a single storey flat roof extension to the rear with roof lights; construction of new first floor extension to the side and a new rooflight to the rear; conversion of existing flat roof to the front porch to lean to roof and all associated works.

SD21B/0363 - 36, Anne Devlin Road, Templeogue, Dublin 14 – **Permission Granted** for conversion of attic space with the construction of a new roof dormer with 2 windows to the rear; 2 rooflights to the front roof plane.

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SD20B/0452 - 2, Anne Devlin Road, Rathfarnham, Dublin 14 – **Permission Granted** for Demolition of existing single storey pitched roof extension at rear (20.34sq.m) together with attached external boiler house and for the construction of new single storey flat roof extension across the rear (34.55sq.m), together with internal alterations/renovations & associated site works.

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded.

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

6.8.2 Residential Extensions

Policy H14: Residential Extensions 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).

Policy GII: Overarching

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.

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.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

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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

Section 12.5.8 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.

National Guidelines & Policy relevant to Development Management

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

Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment 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, (2008).

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

Assessment

The main issues for assessment are

- Zoning and Council policy
- Residential and Visual amenity
- Drainage
- Roads
- Parks
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Council Policy

A development comprising of the construction of a part garage conversion, first floor extension to the side over the existing garage, an attic conversion to include roof dormer to the rear and two rooflights to the front and a single storey flat roof extension to the rear would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Residential and Visual Amenity

Construction of a Part Garage Conversion

The existing ground floor garage extends to the boundary wall of the neighbouring unit to the south. The proposed development incorporates the moving of internal walls to create a side access passageway to the rear amenity space which would require that the existing southern boundary wall is retained as a structural support for the cantilevered first floor extension. Part of the garage to the front will remain in use as a store and the garage door will remain in situ which is visually acceptable. Overall, the part change of use of the ground floor garage to residential use would not seriously injure the visual or residential amenities of the area.

First Floor Extension to the Side over the Existing Garage

The proposed first floor extension will be predominately over the footprint of the original building line but will be partially cantilevered over the proposed ground floor side access way to the southern elevation which is considered acceptable. The existing ground floor extension has a false and the proposed first-floor extension will meet with existing roof line which would be visually harmonious with the established architectural pattern and is therefore acceptable. The materials proposed will match that of the existing which is appropriate and the new windows to the front and rear of the proposed development would not lead to any additional overlooking.

The proposed first floor extension would not leave a sufficient gap to the neighbouring dwelling to the south as per the House Extension Design guide but given the established pattern of design for similar developments in the immediate vicinity, this is considered acceptable in this instance. The proposed development would not lead to any significant loss of daylight or overshadow any of the dwellings in the immediate vicinity and overall, **would not seriously injure the visual or residential amenities of the area** subject to conditions.

Attic Conversion to include Roof Dormer to the Rear and Two Rooflights to the Front

The proposed flat roofed rear dormer extension to the eastern elevation spans a width of almost 5m which is large in the site context. Notwithstanding this, it is set in an appropriate distance from the attached unit to the north. Furthermore, it is set below the ridge line and above the eaves adequately and would not be visible from the street given the extension of the roof line to the south. The proposed rear dormer would not lead to any additional overlooking or overshadowing which is appropriate.

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The proposed use of the attic conversion is intended to be a habitable/bedroom and achieves an internal height of 2.4m which is considered acceptable. The two roof lights on the roof of the western elevation to the front of the property would not be injurious to the visual or residential amenities of the area.

Single Storey Flat Roof Extension to the Rear

The proposed flat roofed ground floor extension to the rear of the property requires the demolition of the current rear extension which comprises of sunroom and part of the kitchen. The maximum height of the proposed development will be approximately 3.6m to the top of the parapet which although is relatively high, it is acceptable in this instance as it reflects the established pattern of development in the area. The depth of the original property is approximately 8.2m whereas, the proposed extension (including the previous rear extension) is 8m and whilst although may not be considered subservient to the original dwelling, the site can easily accommodate it and it would not create an unacceptable level of overshadowing or loss of daylight for the neighbouring dwellings. The design includes two narrow windows on the southern elevation and while the footprint of the development is set back from the boundary with the neighbouring dwelling, it is considered that these windows would create an unnecessary level of overlooking which would be detrimental to the residential amenity of the occupier of No. 40 Anne Devlin Road. Therefore, the proposed windows should be obscured into perpetuity by way of **condition** in the event of grant of permission. The proposed external finish will be concrete render which is acceptable. Overall, the proposed development is acceptable.

Drainage

No report was received from Water Services or Irish Water at the time of writing, but it is considered appropriate that the applicant should demonstrate how they intend to incorporate the appropriate treatment of Sustainable Urban Drainage Systems (SuDS) for the proposed development which should be attached as a **condition** in the event of a grant of permission. It is noted that the proposed development is located within an acceptable distance of any existing Irish Water infrastructure as per the Irish Water maps.

Roads

The roads department have **no objections** to the proposed development.

Parks

Parks had **no comment** on the proposed development, and it is considered appropriate that the condition in relation to SuDS is sufficient in this regard.

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Green Infrastructure

The subject application provides for a relatively small increase in the footprint of the subject house on an established suburban residential site. The site is not located within a Primary GI Corridor or Secondary GI Link 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, a full GI assessment for the proposed development is **not required**.

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 the construction of a part garage conversion, first floor extension to the side over the existing garage, an attic conversion to include roof dormer to the rear and two rooflights to the front and a single storey flat roof extension to the rear.

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.

Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the 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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Development Contributions

Planning Reference Number	SD22B/0375
Summary of permission granted & relevant notes:	Residential Extension - 72.25sqm. Previous Extensions total 28.23sqm.
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)	72.25
Amount of Floor area, if any, exempt (m2)	11.77
Total area to which development contribution applies (m2)	60.48
Total development contribution due	€6,319.56

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 72.25sqm

Land Type: Urban Consolidation.

Site Area: 0.0465Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the **conditions** set out below, the proposed development would not seriously injure the amenities of

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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 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,

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both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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

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

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

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

- 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

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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. Sustainable Urban Drainage Systems (SuDS) and Landscaping

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features. Within 6 months of the date of final grant of permission, the applicant shall submit the following:

a) a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, for the written agreement of the Planning Authority. The applicant shall include SuDS (Sustainable urban Drainage Systems) 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
- Other such SuDS

b) A summary, in a digital format, quantifying and detailing the following:

- tree and hedgerow removal;
- tree and hedgerow retention;
- new tree and hedgerow planting.

The applicant should reference the SDCC Sustainable Drainage Explanatory Design & Evaluation Guide prior to submission.

REASON: To ensure the adequate provision of SuDS

4. Amendments - Glazing.

The following amendment to the design shall be carried out:

The two ground floor windows on the southern elevation of the rear extension shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.

REASON: In the interest of residential amenity.

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5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €6,319.56 (Six thousand, three hundred and nineteen euro and fifty-six cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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

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

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

NOTE: The applicant 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

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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.

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

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REG. REF. SD22B/0375

LOCATION: 38, Anne Devlin Road, Dublin 14


Colm Harte,
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: 18-10-22


Gormla O'Corrain, Senior Planner