

Comhairle Chontae Atha Cliath Theas

PR/1264/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0334 **Application Date:** 17-Aug-2022
Submission Type: New Application **Registration Date:** 17-Aug-2022

Correspondence Name and Address: Joe Fallon Architectural Design Ltd. 1A, Ryland Street, Bunclody, Co. Wexford

Proposed Development: Two storey, three bed detached dwelling of approx. 110sq.m in the side garden of the existing dwelling; new vehicular entrance to the side of the site; new pedestrian entrance to the front of the site and all associated site works.

Location: 16, Fairways, Rathfarnham, Dublin 14, D14XR40

Applicant Name: Raymond & Marie Leonard

Application Type: Outline Permission

(EW)

Description of Site and Surroundings:

Site Area: 0.0378 ha

Site Description:

The corner site is located at the junction of Fairways and Butterfield Avenue and contains a two-storey semi-detached dwelling with hipped roof profile. The streetscape of Fairways is characterised by semi-detached houses of similar form and appearance and by a uniform building line. Rathfarnham shopping centre is located directly opposite the site.

Proposal:

Outline Permission for:

- Two storey, three bed detached dwelling of approx. 110sq.m in the side garden of the existing dwelling; new vehicular entrance to the side of the site;
- New pedestrian entrance to the front of the site and all associated site works.

Zoning:

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

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Consultations:

<i>Surface Water Drainage:</i>	Further Information required.
<i>Irish Water:</i>	No objection subject to conditions.
<i>Roads:</i>	No objection subject to conditions.
<i>Parks:</i>	Refuse Permission

SEA Sensitivity Screening - No overlap indicated.

Submissions/Observations /Representations

No submission received.

Relevant Planning History

None for subject application.

Adjacent sites

SD20A/0315 - 2, Marian Road, Dublin 14. Refused Permission for 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.

Reason:

1. 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. 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.
3. 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.

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Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

Policy H13 Residential Consolidation

H13 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

H13 Objective 5

To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 8 Community Infrastructure and Open Space

Section 8.7.5 Quality of Public Open Space

Policy COS5 Objective 16

To ensure that parks and public open spaces are carefully designed as safe spaces, by implementing the following measures:

- Providing active frontages and maximising passive surveillance from adjacent housing and / or public thoroughfares;*
- Eliminating buildings which back-on or gable-front public open spaces;*
- Designing corner units with active frontage;*

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- *Encouraging increased use through improved access and quality of facilities*;
- *Careful location, design and choice of surface materials and site furniture.*

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

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.

Policy GI2 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.

Policy GI4 Sustainable Drainage Systems

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.

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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.
- 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.

Relevant Government Guidelines and Policy

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

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

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Overcoming Previous Refusal Reasons
- Standard of Drawings,
- Residential and visual amenity,
- Vehicular entrance,
- Services and drainage and Flood Risk.

Zoning and Council Policy

The development comprising of a residential dwelling is 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.

Drawings submitted for Outline Permission

To enable the planning authority to adequately assess the impact of the proposed development on residential and visual amenities, plans, contiguous, elevational, and sectional drawings are required to make a full assessment. However, the subject application is for Outline Permission regarding the site layout and suitability and is the basis for this assessment.

It is noted that the applicant has submitted dwg no.22031-OP-01 titled *site location map* and dwg no.22031-OP-02 titled *Proposed site layout Plan with an Irish Water Web Map*.

Residential and Visual Amenity

The proposed development constitutes the subdivision of an existing side garden serving a semi-detached dwelling on a side garden site. The assessment of this proposal is in context to the existing County Development Plan 2022-2028, it is subject to compliance with detailed policy provisions in relation to design that will be considered below.

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Site context

The subject side garden site with a two-storey semi-detached dwelling is located within an established residential road of Fairways housing scheme. The corner site is located directly adjacent to Rathfarnham shopping centre to the west of the site. It is noted that the subject site fronts onto the east-facing car park of Tesco shopping centre with a public path. It is also noted that the front boundary walls have hedging, and a grass verge exists on this road to the surrounding dwellings and the subject site.

Although the proposal is broadly recessed sufficiently away from the adjacent house to the south. The proposal should have regards to the property's large gable or front orientation to the north of the adjoining semi-detached house.

Having regards to the primary dwellings that are facing Fairways Road, it is considered that the proposed dwelling at an appropriate size and scale would not significantly detract from the character of the adjacent dwellings. The planning authority would require that the proposal is consistent with the guidance set out in SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites; *'Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings.'*

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;
The site is of a sufficient size to accommodate a new dwelling. It has not been demonstrated that there would be no negative impact on residential amenity, this would be subject to height and design of proposed dwelling.
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
Not assessable.
- 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.
Building line of existing dwelling is similar to proposed and also the roof profile, which broadly matches.
- 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;
Proposal does not project forward.

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- 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;
Not assessable.
- 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.
Sufficient rear amenity space provided.
- 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.
Sufficient rear amenity space provided.

Having regard to the context of the subject site in the surrounding area, it is noted that the 0.0378 ha site is significantly large. It is deemed that the corner site development is conducive to this site at an appropriate size and scale.

Building Height

Due to the prominent location of the site, the proposal shall not have an adverse impact in terms of residential and visual amenity.

SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites states;

- *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.*

Overlooking & Overbearing impact

It is noted that this rear site has sufficient separation distance and subject to appropriate size and scale there are no concerns with respect to the overbearing appearance of the dwelling on neighbouring properties to the east, as there is no dwelling located to the rear and there shall be no undue overlooking to the east of the site.

Dwelling size

The proposed three-bedroom dwelling is approx. 110sq.m which is above the minimum size set out in Table 3.20 Minimum Standards for Houses. In this context, the proposed development is consistent with the Development Plan provisions.

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Amenity space

The dwelling provides approximately 83sq.m of private rear open space. The minimum private open space requirement in the County Development Plan is comfortably achieved. It is noted the adjoining property on this existing large site has sufficient rear garden space, as noted in the South Dublin County Development Plan 2022 – 2028. It is considered that the proposed development would provide sufficient residential amenity for future occupants of the three-bed dwelling and this would comply with the Development Plan provisions.

Room size

The dwelling designed to accommodate three or more persons should be consistent *with the Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, (2007).

Storage

Storage for the proposal should be consistent with the minimum storage standards for houses having regard to (Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007)

Dual Frontage

The applicant should align both the windows in size, scale and form taking into account SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites states:

- *maximise passive surveillance of the public domain.*
- *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.*

The proposal is in a prominent side garden development and is in view of the public domain, the proposed house is requested to provide for adequate dual frontage on the gable north facing and front western elevation in order to be consistent with Section 13.5.8 (ii) Corner/Side Garden Sites of the South Dublin County Council Development Plan 2022-2028.

Boundary Treatment

It is noted that the applicant proposes to use two separate entrances within the existing boundary wall. The proposed new entrance to the north has an existing mature street tree directly in the grass verge adjacent the site. The removal of the tree is therefore not consistent to Section 12.7.6 in this regard. The parks recommendations noted below.

In this instance and coinciding with the recommendations of the Roads Department, a shared vehicular entrance will be addressed in the Roads report below.

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Vehicular Entrance

The Roads Department have no objections and states the following in their report:

Access:

1. The applicant proposes to create a new vehicular entrance 3500mm wide for the proposed new house. This width is considered acceptable. It is noted that there is a tree in the grass verge that is proposed to be removed to allow for the new entrance. Applicant should submit details of discussions with Parks regarding the tree removal.

Car Parking:

1. There is adequate space for 2 No. car parking spaces.

The following conditions apply:

1. Prior to commencement of development, the applicant shall submit details of discussions with Parks in resolving Tree conflict with access point.
2. The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwellings.
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. The boundary walls and gates 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.
5. Any gates shall open inwards and not out over the public domain.

The Roads Department's comments have been noted.

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Parks and Public Realm

The Parks Department recommend Refusal as follows:

South Dublin County Council's Tree Management Policy "Living with Trees" 2021-2026

The overall aims of the Tree Management Policy are to ensure the safety of Council trees, maintain and encourage biodiversity, maintain and improve landscape quality, and through these elements, improve the quality of life for residents and visitors to South Dublin now and in the future. We will achieve this by:

- ensuring that the Council has a clear program of tree maintenance, management and planting;
- maintaining and improving the tree canopy cover for the future;
- appropriate siting and species selections for all new trees;
- promoting the importance of trees in shaping the distinctive local character and appearance of South Dublin's urban landscape; recognizing the significant aesthetic, landmark, ecological, social and economic value that trees provide;
- effectively communicating, educating and engaging with the local community on trees and their importance;
- allocating sufficient resources to allow for best practice tree management
- providing clarity over why decisions and actions are taken;
- balancing the risk and nuisance to persons and property against the other aims; and recognising the value of trees as a tangible asset

Comments:

In relation to the above proposed development, this section has reviewed the application and has the following comments.

Retention of Existing Mature Tree

Based on the site layout plan submitted by the applicant (Dwg No. 22031-OP-02) it is proposed to remove the existing mature street tree in the adjoining grass margin in order to facilitate a proposed new vehicular entrance – this is not acceptable to the Public Realm Section and is contrary to South Dublin County Councils Tree Management Policy 2021-2026 'Living with Trees' and with relevant policies in the SDCC CDP 2022-2028; in particular:

- NCBH11 Objective 3: *To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2021-2026) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.*

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The applicant shall ensure that the existing mature street tree is retained, and the new proposed entrance is moved a minimum of 3 meters away from the base of the tree.

Protection of Existing Street Tree

As per above the proposed new entrance driveway shall be moved a minimum of 3 meters away from the base of the tree, so that the existing street tree shall not be adversely impacted by the proposed construction works and in order to ensure the protection of the existing mature street tree suitable tree protection fencing must be erected prior to all construction operations occurring on site. This tree protection fencing must be in accordance with BS 5837: 2012.

Landscape Plan

In addition, a landscape/boundary planting scheme shall be provided which helps to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends that the application be **REFUSED** in the first instance but if it is decided to request ADDITIONAL INFORMATION then the following should be requested from the applicant:

1. Landscape Boundary Plan

The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning Authority.

CONDITION

REASON: In the interests of visual amenity and integrating the development into the landscape

2. Tree Management Plan

No development works shall commence on site in connection with the development including the proposed new vehicular entrance until a Tree Management Plan has been submitted by the applicant for the approval of the Public Realm Section, which clearly sets out how the existing mature street tree in the adjacent grass margin will be retained and protected from the proposed construction works. No development or other operations shall take place except in complete accordance with the approved tree management plan.

REASON: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

3. Construction works within Root Protection area.

No operations shall commence on site in connection with the development including the proposed new driveway entrance; until a detailed design and construction method statement of

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the proposed vehicular driveway has been submitted in writing and approved by the Planning Authority. Every effort shall be made by the applicant to minimise the encroachment of the proposed driveway into the root protection area (RPA) of the existing mature street. The design and construction must:

- a) Be in accordance with the recommendations of BS5837:2012.
- a) Include details of existing ground levels, proposed levels and depth of excavation.
- b) Include details of the arrangements for the implementation, supervision and monitoring of the works.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

4. Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

5. Protection of Street Tree in Grass Margin

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

REASON: In the interests of visual amenity and of protecting existing street trees.

The requirements of the Public Realm Department are noted and shall be outlined by condition.

Green Infrastructure

The proposal impacts the street tree negatively directly outside No. 19 Grangeview Drive.

12.7.6 Car Parking Design and Layout states "*Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted*".

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In accordance with 12.4.2 Green Infrastructure and Development Management. Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. It states "*Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. This should clearly incorporate GI elements and provide links to local 'Stepping-Stones', Cores and Corridors where appropriate. Some smaller scale development may require more detailed GI Infrastructure Plans. Depending on location and context of the site, this will be decided on a case-by-case basis.*

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

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

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time".

It is considered that the main elements of the Green Infrastructure Plan are covered in the requirements of the Public Realm report and shall be required by condition.

Services & Drainage and Flood Risk

A report from Water Services requests details of SuDS as additional information. Standard conditions are recommended regarding flood risk. Irish Water has also requested standard conditions.

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 a new dwelling.

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

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

Development Contributions Assessment Overall Quantum

To apply accordingly.

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 110sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0378 ha

Conclusion

The proposal is considered broadly acceptable. However, having regard to concerns with regard to the street tree and the recommendations of the Public Realm Department, it is considered necessary to ensure the proposed development is compliant with Development Plan policy and 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 Outline 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. No Development Shall Take Place Until an Application for Permission Consequent to the Grant of Outline Permission.

No development shall take place until an application for permission consequent on the grant of outline permission, has been granted permission in respect of details relating to layout, siting, height, design, external appearance and means of access thereto.

REASON: In the interests of the proper planning and development of the area.

2. No Development Shall Take Place Until an Application for Permission Consequent to the Grant of Outline Permission.

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No development shall take place until an application for permission consequent on the grant of outline permission, has been granted permission in respect of details relating to layout, siting, height, design, external appearance and means of access thereto.

REASON: In the interests of the proper planning and development of the area.

3. Requirements for Surface Water Drainage, Water Supply and Foul Drainage.
In the application for permission consequent of this outline permission the applicant shall submit the following:
 - (a) a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
 - (b) a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i) At least 5m from any building, public sewer, road boundary or structure.
 - ii) Generally, not within 3m of the boundary of the adjoining property.
 - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v) Soakaways must include an overflow connection to the surface water drainage network.
4. In the application for permission consequent to this outline permission the applicant shall submit details of the following:
 1. The applicant shall submit details of discussions with Parks in resolving Tree conflict with access point.
 2. The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwellings.
 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. The boundary walls and gates 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.
 5. Any gates shall open inwards and not out over the public domain.
5. Requirements for the Parks and Public Realm.
In the application for permission consequent of this outline permission the applicant shall submit the following:
 1. Landscape Boundary Plan
The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning

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Authority. CONDITION

REASON: In the interests of visual amenity and integrating the development into the landscape

2. Tree Management Plan

No development works shall commence on site in connection with the development including the proposed new vehicular entrance until a Tree Management Plan has been submitted by the applicant for the approval of the Public Realm Section, which clearly sets out how the existing mature street tree in the adjacent grass margin will be retained and protected from the proposed construction works. No development or other operations shall take place except in complete accordance with the approved tree management plan.

REASON: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

3. Construction works within Root Protection area.

No operations shall commence on site in connection with the development including the proposed new driveway entrance; until a detailed design and construction method statement of the proposed vehicular driveway has been submitted in writing and approved by the Planning Authority. Every effort shall be made by the applicant to minimise the encroachment of the proposed driveway into the root protection area (RPA) of the existing mature street. The design and construction must:

- a) Be in accordance with the recommendations of BS5837:2012.
- b) Include details of existing ground levels, proposed levels and depth of excavation.
- c) Include details of the arrangements for the implementation, supervision and monitoring of the works.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

4. Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

5. Protection of Street Tree in Grass Margin

In order to ensure the protection of the existing street tree adjacent to this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This

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fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing street trees.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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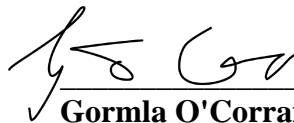
LOCATION: 16, Fairways, Rathfarnham, Dublin 14, D14XR40



Deirdre Kirwan,
Senior Executive Planner

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