

Comhairle Chontae Atha Cliath Theas

PR/1355/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0043 **Application Date:** 10-Feb-2022

Submission Type: Clarification of Additional Information **Registration Date:** 04-Oct-2022

Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14

Proposed Development: An end of terrace, two storey two bed house with pitched roof over with single storey flat roof extension to the rear, to side of existing dwelling; creation of new vehicular access and dished kerb; off-street car parking space.

Location: Plot Adjacent to 11, Neilstown Gardens, Clondalkin, Dublin 22, D22Y602

Applicant Name: Angela Rooney

Application Type: Permission

Description of Site and Surroundings

Site Description

The site is the side garden of a 2-bed, end-of-terrace dwelling on the edge of a 4-unit terrace in Neilstown Gardens, Clondalkin, Co. Dublin. The site is bound to the east, south and west by residential dwellings and to the north by an internal circulation road for Neilstown Gardens.

The surrounding streetscape is generally characterised by residential dwellings of a similar architectural form and scale.

Site Area:

0.181 Ha.

Proposal

The proposed development would comprise an end of terrace, 2 storey two bedroom house with pitched roof over and single-storey flat roof extension to the rear, to the side of existing dwelling, provision of a new vehicular access and dished kerb; off-street car parking space.

The proposed dwelling is comprised of an entrance hall, living room, store, utility, toilet and kitchen/dining room at ground floor level and 2 bedrooms and a bathroom at first floor level. The proposed dwelling has an approximate gross floor area of 93sq.m.

Zoning

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity'.

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Consultations

Drainage and Water Services:	Additional Information required.
Irish Water:	Additional Information required.
Parks and Public Realm:	No objection subject to conditions.
Roads:	Additional Information required.
Transport Infrastructure Ireland:	No report received at time of writing.

Submissions/Observations/Representations

Final date for submissions/observations – 9th March 2022.

None received.

Relevant Planning History

Subject Site

SD22B/0450 – No. 11 Neilstown Gardens

Dropped kerb for new vehicular access, removal of part of the front wall for extra parking.

SDCC Decision: Pending.

SD19A/0189

An end of terrace 2 storey four bed house with pitched roof over with single storey flat roof extension to the rear, to the side of existing dwelling; new vehicular access and dished kerb; off-street car parking space. **SDCC Decision:** Refuse Permission.

In refusing permission for the development proposed under SD19A/0189, SDCC cited 2 No. reasons for refusal. The proposed development of this Planning Application shall be assessed in the context of the previous reasons for refusal later in this Report.

CE19/0038

The applicant sought and was granted a S.96 Certificate of Exemption for social housing, in relation to a new End of Terrace house. **SDCC Decision:** Certificate of Exemption Granted.

SD09A/0374

Modifications to previously approved grant of permission for a 2 storey end of terrace house (Registry Reference SD08A/0229). The works include (i) an upper floor extension above the front entrance doorway with front elevational changes to include a new upper floor bedroom window and the removal of the approved obscured bathroom window, (ii) an extended upper floor bedroom to the approved 2 -storey annex at the rear of the house, (iii) internal layout alterations and (iv) all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

SD08A/0229

An end-of-terrace terrace, 2 storey house to the side of existing dwelling using the existing vehicular access from Neilstown Gardens for car parking and providing a new car entrance from

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Neilstown Gardens to the existing house. The works also involve all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None for this development.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 2.3.0: Quality of Residential Development

Policy H11 Residential Design and Layout

Policy H11 Objective 1

Policy H13 Private and Semi-Private Open Space

Policy H13 Objective 3

Policy H14 Internal Residential Accommodation

Policy H14 Objective 1:

To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.

Policy H15 Privacy and Security

Policy H15 Objective 3

Policy H15 Objective 4

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 Objective 1

Policy H17 Objective 2

Policy H17 Objective 5

Section 7.1.0: Water Supply & Wastewater

Policy IE1 Water & Wastewater

Policy IE1 Objective 7

Section 7.2.0: Surface Water & Groundwater

Policy IE 2 Surface Water & Groundwater

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Policy IE2 Objective 5

Section 11.3.0: Land Uses

Section 11.3.1 (iv): Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v): Privacy

Section 11.3.2: Residential Consolidation

Section 11.3.2 (i): Infill Developments:

Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns, materials, and finishes. Larger sites will have more flexibility to define an independent character.*

Section 11.3.2 (ii): Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should 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,*
- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

Section 11.4.2: Car Parking Standards

Section 11.8.1: Environmental Impact Assessment

Section 11.8.2: Appropriate Assessment

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Relevant Government Guidelines

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

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage 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, (2009).

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

Wastewater Treatment and Disposal Systems Serving Single Houses Environmental Protection Agency (November 2009)

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

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for assessment are

- Zoning and Council Policy
- Previous Reason for Refusal
- Visual Impact and Residential Amenity
- Access and Parking
- Drainage and Water Services
- Parks and Public Realm
- Environmental Impact Assessment
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. New residential development is permissible in principle under this zoning objective. The proposed development is permissible in principle, subject to its being in

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accordance with the relevant provisions of the South Dublin County Development Plan 2016 – 2022, with specific reference to section 11.3.2 (ii) – ‘Corner/Side Garden Sites’.

Criteria for Corner/Side Garden sites

Under section 11.3.2 (ii) of the South Dublin County Development Plan 2016 - 2022, development on corner and/or side garden sites should meet certain criteria for development. These are assessed below:

“The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings”

The site is considered to be of sufficient size to accommodate an additional dwelling, in principle.

“The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,”

The proposed development matches building line and roof profile to the front. To the rear, the building appears to project approximately 3m beyond the existing rear building line at ground floor level and approximately 1.5m at first floor level. A concern arises in relation to the potential for this to impact on the adjoining property at No. 11 Neilstown Gardens. ADDITIONAL INFORMATION in the form of a design amendment should be requested from the Applicant. This is further addressed in the Visual Impact and Residential Amenity Section of this Report.

Additionally, insufficient detail is shown on the Site Layout Plan to fully assess the potential for the proposed development to impact on the residential and visual amenity of surrounding properties. In this regard, the Applicant should be requested to provide ADDITIONAL INFORMATION in the form of an Existing and Proposed Site Layout Plan pursuant to Section 23(1)(a) of the Planning and Development Regulations 2001-2021 (as amended) which states that:

‘Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown,’

Section 11.3.2 of the Development Plan also states that:

“The architectural language of the development (including boundary treatments) should 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,”

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The proposed development is similar to existing developments in terms of its architectural language, it is noted and welcomed by the Planning Authority that the fenestration pattern and levels broadly match that of existing dwellings along Neilstown Gardens. This aids in creating a sense of harmony with the receiving streetscape.

“Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and”

The proposed development does not include a forward projection.

“Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.”

This is not corner development. The side elevations do not include fenestration, which is welcomed by the Planning Authority as it prevents the potential for overlooking to adjacent properties.

The proposed development is largely consistent with the policies and objectives set out in Section 11.3.2 of the Development Plan regarding residential consolidation. However, ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposal in the context of the receiving environment and potential to impact on the visual and residential amenity of surrounding properties.

Previous Reasons for Refusal

In refusing permission for the dwelling proposed under SD19A/0189, South Dublin County Council cited 2 No. reasons which are outlined below along with a brief assessment of the proposed development of this Planning Application.

Refusal Reason No. 1

‘The proposed development is located in an area zoned 'RES' in the South Dublin County Development Plan 2016 - 2022, with an objective 'to protect and /or improve residential amenity. Having regard to:

- *non-compliance with standards contained within the 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007) in relation to room size, room widths and storage provision;*
- *the overbearing visual impact the proposed first floor rear extension would have on the attached dwelling, due to mass, bulk and overshadowing*
- *overlooking to the south and to the east*
- *inadequate separation distance to rear;*
- *the constrained nature of the site; and*
- *the existing residential character of the area;*

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the proposed development would be overdevelopment of the site, would contravene the 'RES' land-use zoning objective and would contravene the policies on corner site development. Thus, the proposed development would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area'.

It is considered that the revisions applied to the proposed development of this Planning Application largely overcome Reason for Refusal No.1 However, a concern arises in relation to the potential for the proposed development to adversely impact on the visual and residential amenity of surrounding properties. This is further outlined throughout this Report.

Refusal Reason No. 2

'The proposed private open space does not comply with the minimum standard of 70sq.m. set out for a 4-bedroom house in Table 11.20 of the South Dublin County Development Plan, 2016 - 2022. Furthermore, the configuration of the space would render it unusable as quality amenity space'.

The proposed development of this Planning Application is for a 2 bedroom dwelling, which has a requirement for 55sq.m private amenity space according to Table 11.20 of the Development Plan. The proposed private amenity space exceeds the requirements set out in Table 11.20, as such it is considered that Refusal Reason No. 2 has been successfully addressed in this Planning Application.

Visual Impact and Residential Amenity

The proposed development provides for an end of terrace, 2 storey two bedroom house with pitched roof over and single-storey flat roof extension to the rear.

To the rear, the building appears to project approximately 3m beyond the existing rear building line at ground floor level and approximately 1.5m at first floor level. The Planning Authority is concerned that this projection beyond the building line set by No. 11 Neilstown Gardens to the west. In this regard, the Applicant should be requested by way of ADDITIONAL INFORMATION to revise the design of the proposed development to reduce the potential impact on adjacent properties. The Applicant should provide a separation distance of at least 1m from the party boundary per 3m of height of the rear projection. Alternatively, the Applicant could reduce the rear projection to match the building line set by No. 11 Neilstown Garden.

No windows are proposed in the side elevation, which protects the visual and residential amenity of the rear garden of Nos. 44 and 45 Neilstown Park.

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As previous outlined, the Site Layout Plan contains insufficient information to allow an assessment of the potential for the rear windows at first floor level to impact on the amenity of No. 39 Neilstown Park to the south. In relation to privacy, Section 11.3.1(v) of the Development Plan states:

'Section 10 of the Urban Design Manual (2009) addresses privacy and amenity. A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.'

Having regard to the content of Section 11.3.1(v) of the Development Plan, it is incumbent on the Applicant to demonstrate that the proposed first floor windows are at least 22m from the opposing windows at No. 39 Neilstown Park. In this regard, the Site Layout Plan is deficient. The Applicant should be requested to provide ADDITIONAL INFORMATION in the form of a Site Layout Plan at a scale not less than 1:500 which clearly demonstrates the separation distance between the proposed development and surrounding properties.

Internal Layout of Proposed Dwelling

The internal layout and floor areas of the proposed dwelling accords with the recommendations in Chapter 5 of the '*Quality Housing for Sustainable Communities: Best Practice Guidelines (2007)*', regarding a two bedroom house.

Private Amenity Space

The existing property would be divided in order to provide the proposed dwelling. In these circumstances, the Planning Authority is required to be satisfied that both the proposed dwelling and the existing dwelling would benefit from adequate residential amenity.

The minimum standard private open space for two bedroom house, in Table 11.20 of the County Development Plan, is 55sq.m. The proposed development exceeds this requirement.

Access and Parking

The proposed development includes a new vehicular entrance and gate piers to the front of the property, to provide car parking on-curtilage.

The Roads Department has assessed the proposed development and indicated that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

- The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and dimensions of the vehicular access and parking layout for the existing house at No. 11 Neilstown Gardens. The site layout plan should also show the location of the existing street tree to the front of the site boundary, which must be protected as part of the works by maintaining a 600mm distance between the

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footpath and the tree. In addition, the front boundary wall must 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 exiting the site.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have assessed the proposed development and indicated that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

- The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. SuDS (Sustainable urban Drainage Systems) features for the proposed development may include but are not limited to the following:
 - Permeable Paving
 - Rain Gardens
 - Planter boxes with overflow connection to the public surface water sewer.
 - Grasscrete
 - Green Roofs
 - Water Butts

Parks and Public Realm

The Parks and Public Realm Department has assessed the proposed development and has indicated no objection, subject to the following conditions:

- Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:
 - (a) The planting plan shall clearly set out the following:
 - i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate
 - ii. Implementation timetables.
 - iii. Detailed proposals for the future maintenance/management of all landscaped areas
 - (b) Types and dimensions of all boundary treatments.

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

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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 street tree located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction Arboricultural Assessment, carried out by a qualified arborist and provided that the tree proposed for retention is alive, in good condition with a useful life expectancy.

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 in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

- In order to ensure the protection of the existing street tree adjacent to the entrance of 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: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

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 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.

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 single 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.

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Conclusion

The proposed development is acceptable in principle having regard to the zoning objective of the subject site and the policies and objectives of the South Dublin County Development Plan. However, Further Information is required to ensure that the proposal will not have an adverse impact on the visual and residential amenity of surrounding properties. Furthermore, Further Information is required in relation to the access and parking arrangements and the drainage and water services infrastructure to facilitate a complete assessment of the proposed development.

Recommendation

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

1. The applicant is requested to amend the design of the proposed development to protect the visual and residential amenity of adjoining properties. The applicant could either provide a separation distance of at least 1m from the party boundary per 3m of height of the rear projection. Alternatively, the applicant could reduce the rear projection to match the building line set by No. 11 Neilstown Garden. The applicant is requested to provide a complete set of drawings including site layout plan, floor plans, elevations and sections at the appropriate scale to facilitate a complete assessment of the amended design.
2. The information shown on the Site Layout Plan is deficient and does not facilitate a complete assessment of the proposed development in the surrounding receiving context. In this regard the applicant is requested to provide a Site Layout Plan at a scale not less than 1:500 which includes clear delineation of the site boundary, contours/levels, key features on the site and adjoining lands including buildings, roads, boundaries, septic tanks and trees. The Site Layout Plan should clearly demonstrate the separation distance between the proposed development and surrounding properties.
3. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and dimensions of the vehicular access and parking layout for the existing house at No. 11 Neilstown Gardens. The site layout plan should also show the location of the existing street tree to the front of the site boundary, which must be protected as part of the works by maintaining a 600mm distance between the footpath and the tree. In addition, the front boundary wall must 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 exiting the site.
4. The applicant is requested to provide a detailed Drainage Layout drawing which includes proposals for SuDS (Sustainable Drainage Systems) features for the proposed development. SuDS (Sustainable urban Drainage Systems) features for the proposed development may include but are not limited to Permeable Paving, Rain Gardens, Planter boxes with overflow connection to the public surface water sewer, Grasscrete, Green Roofs and Water Butts.

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Additional Information

Additional Information was requested on 6th April 2022.

Additional Information was received on 13th June 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 13th June 2022:

- Cover Letter prepared by Kevin Tiernan Architect Services dated 10th June 2022.
- Revised Site Layout, Drainage Layout, Plan and Elevational drawings prepared by Kevin Tiernan Architect Services.

The Additional Information provided by the Applicant will be assessed below in the context of the 4 No. items of Additional Information requested by the Planning Authority on 6th April 2022:

Additional Information Item No. 1

The amended drawings provided by the Applicant demonstrate that the proposed dwelling has been revised to provide a minimum of 1m separation distance between the rear projection and the party boundary with No. 11 Neilstown Gardens to the east. The height of the flat roofed rear projection has also been reduced to 2.9m.

It is considered that the revisions applied to the proposed development satisfactorily address Additional Information Item No. 1.

Additional Information Item No. 2

The Applicant has provided a revised Site Layout Plan with clear delineation of the site boundary and levels. However, a concern arises in relation to the detail provided in relation to the key features of the subject site and adjacent properties. In particular, concerns are maintained regarding the lack of detail in relation to the proposed vehicular access and parking arrangement for the existing and proposed dwelling, it is considered that Additional Information Item No. 2 has not been satisfactorily addressed. In this regard CLARIFICATION OF ADDITIONAL INFORMATION should be sought from the Applicant in relation to the access arrangements in place and the parking provision for both dwellings. Further details are outlined in the forthcoming section.

Additional Information Item No. 3

The revised Site Layout Plan provided by the Applicant demonstrates a vehicular access that is approximately 3m wide, with 1.2m high pillars on either side and a driveway with an approximate length of 6.47m. It appears from the revised Site Layout Plan that the proposal will

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result in a shared vehicular access and car parking for the proposed dwelling and the existing dwelling at No. 11 Neilstown Gardens.

The Roads Department have assessed the revised Site Layout Plan, with their Report indicating that the following CLARIFICATION OF ADDITIONAL INFORMATION is required:

- The Applicant is requested to submit a text rationale that clearly explains what is being proposed for both dwellings, specifically outlining the vehicular access and parking arrangements for the proposed dwelling and existing dwelling at No. 11 Neilstown Gardens.
- The applicant is requested to submit a revised layout of not less than 1:200 scale showing:
 - What access arrangements will be in place for vehicles accessing both dwellings.
 - What vehicle parking arrangements are proposed for both dwellings.
 - Where specifically the proposed 'off-street parking' would be located.
 - An accurate representation of the street tree outside the premises.
- An AutoTRAK drawing is required showing how vehicles might safely access and egress both properties.

Additional Information Item No. 3 is therefore deemed to have not been satisfactorily addressed and CLARIFICATION OF ADDITIONAL INFORMATION should be sought from the Applicant. In responding to the request for clarification of additional information, the Applicant should have regard to the content of the South Dublin County Development Plan 2016-2022, including Table 11.24 which outlines the car parking rates for residential development.

Additional Information Item No. 4

The revised Site Layout Plan includes details of the drainage and water services infrastructure for the proposed dwelling.

The revised drawings have been assessed by the Drainage and Water Services Department, with no objection indicated, subject to the following CONDITIONS:

- The Applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:
 - Water Butts
 - Other such SuDS
- The Applicant shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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Irish Water have assessed the revised drawings and indicated no objection, subject to the following conditions:

- Prior to the commencement of development, the Applicant is required to submit a drawing showing existing and proposed watermain layout for the proposed development and showing the distance between the proposed development and the existing 6" watermain to the south.
- Prior to commencement of development, the Applicant is required to obtain a Confirmation of Feasibility letter from Irish Water regarding the watermain layout and connection. Upon receipt, the Applicant shall submit the Confirmation of Feasibility letter to the Planning Authority.
- Prior to the commencement of development, the Applicant is required to obtain a Confirmation of Feasibility letter from Irish Water regarding the wastewater layout and connection. Upon receipt, the Applicant shall submit the Confirmation of Feasibility letter to the Planning Authority.
- All development shall be carried out in compliance with Irish Water Standards, Codes and Practices in relation to water and wastewater.

It is considered that Additional Information Item No. 4 has been satisfactorily addressed.

Other Considerations

Development Contributions	
Building Use Type Proposed	Floor Area (sq m)
Residential (new dwelling)	93 sq m

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq m)
Residential (new dwelling)	93 sq m
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	0.181 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022 and the Additional Information provided by the Applicant, it is considered that, subject a concern remains in relation to the level of detail shown on the Site Layout Plan and the vehicular access and car parking arrangements for both the existing house at No. 11 Neilstown Gardens and the proposed dwelling. In this regard, it is considered that **CLARIFICATION OF ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development.

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Recommendation

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

1. Vehicular Access and Parking

The Applicant is requested to submit the following information in relation to the vehicular access arrangements and car parking provision for the proposed dwelling and existing dwelling at No. 11 Neilstown Gardens:

- i. The Applicant is requested to submit a text rationale that clearly explains what is being proposed for both dwellings, specifically outlining the vehicular access and parking arrangements for the proposed dwelling and existing dwelling at No. 11 Neilstown Gardens.
- ii. The applicant is requested to submit a revised layout of not less than 1:200 scale showing:
 - What access arrangements will be in place for vehicles accessing both dwellings.
 - What vehicle parking arrangements are proposed for both dwellings (having regard to Table 11.24 of the South Dublin County Development Plan 2016-2022).
 - Where specifically the proposed off-street parking would be located.
 - An accurate representation of the street tree outside the premises.
- iii. An AutoTRAK drawing showing how vehicles might safely access and egress both properties.
- iv. Please note that it appears from the submitted elevations and site plan, that no vehicular access is maintained for no.11 and that the front curtilage of 11 and 11A will be divided by a 0.7m boundary. Applicant requested to clarify car parking for No.11.

Clarification of Additional Information

Clarification of Additional Information was requested on 11th July 2022.

Clarification of Additional Information was received on 4th October 2022.

The Clarification of Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

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Assessment

The following Additional Information was received from the Applicant on 4th October 2022:

- Cover Letter prepared by Liam Baker dated 29th September 2022.
- Site Layout Plan (Existing) and Site Layout Plan (Proposed) prepared by Kevin Tiernan Architect Services.

The Clarification of Additional Information provided by the Applicant will be assessed below in the context of the 1 No. item requested by the Planning Authority on 11th July 2022:

Additional Information Item No. 1

The Roads Department have assessed the Clarification of Additional Information provided by the Applicant and have indicated no objection, subject to the following **CONDITIONS**:

1. The boundary walls at both 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.
2. The existing vehicular access points shall be limited to a width of maximum 3.5m wide for the proposed development.
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.
5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.

It is noted that, since the Roads Department provided their Report a subsequent Planning Application (SD22B/0450) has been received for a dropped kerb to facilitate a new vehicular access and removal of part of the front wall for extra parking to the existing dwelling at No. 11 Neilstown Gardens. A decision on SD22B/0450 is pending. It is considered that a **CONDITION** should be attached to this Planning Application requiring the final design of the proposed vehicular access arrangements for No. 11A Neilstown Gardens to be agreed in writing with the Planning Authority.

Other Considerations

South Dublin County Development Plan 2022-2028

The South Dublin County Development Plan 2022-2028 was adopted on 3rd August 2022. It is noted that the zoning of the subject site remains Objective 'RES'.

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Green Infrastructure

The site is located on the fringes of the M50 Primary GI 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). It is noted that the application includes for SuDS measures in the form of permeable paving.

Having regard to the extent of private amenity grassland provided, the scale of the footprint increase and the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.

Development Contributions

Development Contributions	
Planning Reference Number	SD22A/0043
Summary of permission granted & relevant notes:	An end of terrace, two storey two bed house with pitched roof.
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)	91.00
Amount of Floor area, if any, exempt (m2)	40
Total area to which development contribution applies (m2)	51
Total development contribution due	€5,328.99

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SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq m)
Residential (new dwelling)	91 sq m
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	0.181 Ha

Conclusion

Having regard to the Clarification of Additional Information provided by the Applicant and the policies outlined in the South Dublin County Development Plan 2022-2028, the South Dublin County House Extension Design Guide (2010), it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to 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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 13th June 2022, Clarification of Further Information received on 11th July 2022, 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. External Finishes.
All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 11 Neilstown Gardens, Clondalkin, Dublin 22, D22Y602.
REASON: In the interest of visual amenity.

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3. Attic Space Use.

The Applicant has not provide a floor plan showing the proposed layout of the attic level. As such, it is assumed that the attic space shall be used as storage non-habitable space only. In the event that the Applicant wishes to utilise any attic space as a habitable space, appropriate Planning Permission would be required under a separate Planning Application.

REASON: To ensure the development as approved is consistent with the restrictions of the Building Regulations in the interests of public safety and the proper planning and sustainable development of the area.

4. Landscape and Planting Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority for written agreement. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:

(a) The planting plan shall clearly set out the following:

i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate.

ii. Implementation timetables.

iii. Detailed proposals for the future maintenance/management of all landscaped areas.

(b) Types and dimensions of all boundary treatments.

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within the South Dublin County Development Plan 2022-2028.

5. 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 street tree located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction Arboricultural Assessment, carried out by a qualified arborist and provided that the tree proposed for retention is alive, in good condition with a useful life expectancy.

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 in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028

6. Tree Protection

In order to ensure the protection of the existing street tree adjacent to the entrance of 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

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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: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028.

7. Irish Water Requirements

(a) Prior to the commencement of development, the Applicant is required to submit for the written agreement of the Planning Authority a drawing showing existing and proposed watermain layout for the proposed development and showing the distance between the proposed development and the existing 6 watermain to the south.

(b) Prior to commencement of development, the Applicant is required to obtain a Confirmation of Feasibility letter from Irish Water regarding the watermain layout and connection. Upon receipt, the Applicant shall submit the Confirmation of Feasibility letter to the Planning Authority for the written agreement.

(c) Prior to the commencement of development, the Applicant is required to obtain a Confirmation of Feasibility letter from Irish Water regarding the wastewater layout and connection. Upon receipt, the Applicant shall submit the Confirmation of Feasibility letter to the Planning Authority for the written agreement.

(d) All development shall be carried out in compliance with Irish Water Standards, Codes and Practices in relation to water and wastewater.

REASON: To comply with the requirements and standards of Irish Water and in the interests of adequate water supply and wastewater infrastructure.

8. Drainage and Water Services

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

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(c) The Applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as, but not limited to, Water Butts, permeable paving, grasscrete and Other such SuDS.

(d) All works for this development shall comply with the requirements of 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.

9. Vehicular Access and Parking

(a) Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority a site layout plan demonstrating vehicular access for Nos 11 and 11A Neilstown Gardens.

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(b) The boundary walls at both 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.

(c) The existing vehicular access points shall be limited to a width of maximum 3.5m wide for the proposed development.

(d) Footpath and kerb shall be dishd 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 dishd and widened to the full width of the proposed widened driveway entrance.

(e) Any gates shall open inwards and not out over the public domain.

REASON: In the interests of pedestrian and traffic safety.

10. House Number

The number of the house shall be No. 11A Neilstown Gardens, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road. In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer has agreed the house numbering with the Planning Authority.

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

11. 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.

12. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to

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

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

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

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

13. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €5,328.99 (Five Thousand, Three Hundred and Twenty Eight Euro and Ninety 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.

14. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them,

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no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

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

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

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

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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.

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: 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; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0043

LOCATION: Plot Adjacent to 11, Neilstown Gardens, Clondalkin, Dublin 22, D22Y602

Colm Harte

**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: 01/11/2022

jjohnston

**Jim Johnston,
Senior Executive Planner**