

# Comhairle Chontae Atha Cliath Theas

**PR/1354/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22B/0299      **Application Date:** 27-Jun-2022  
**Submission Type:** Additional      **Registration Date:** 30-Sep-2022  
Information

**Correspondence Name and Address:** Peter Kavanagh, Dublin Planning 77, Lower Camden Street, St. Kevin's, Dublin 2

**Proposed Development:** A pitched roof single storey extension to rear of existing house with associated site works

**Location:** 18, Hallwell Road, Adamstown, K78A9R9

**Applicant Name:** Sab John & Pinky Aprem

**Application Type:** Permission

(EW)

### **Description of Site and Surroundings:**

Site Area: as stated 0.021 Hectares.

#### Site Description:

The subject site is located within the Adamstown Strategic Development Zone in a residential development known as 'Hallwell'. The site is comprised of a 2 No. storey semi-detached dwelling. The surrounding streetscape is generally characterised by semi-detached dwellings of similar form and appearance.

### **Proposal:**

- A pitched roof single storey extension to rear of existing house with associated site works.

### **Zoning:**

The subject site is subject to zoning objective SDZ - 'To provide for strategic development in accordance with approved planning schemes. The subject site is located within the Adamstown Strategic Development Zone.

### **Consultations:**

Surface Water Drainage –	No report received; standard conditions apply.
Irish Water –	No report received; standard conditions apply.
Roads -	No objections.
SEA Sensitivity Screening -	No overlap indicated.

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### **Submissions/Observations /Representations**

No submissions received.

### **Relevant Planning History**

ED22/0011 – Declared Not Exempt - Single Storey Extension to rear.

### **Reason:**

Condition No. 23 of SDZ17A/0006 states that:

*'Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development described in Classes 1 or 3 of Part 1 of Schedule 2 to those Regulations shall take place within the curtilage of the houses without a prior grant of permission'.*

Exempted development provisions were therefore removed by Condition 23 of SDZ17A/0006 (as amended by SDZ18A/0005). Article 9 outlines that development shall not be exempted development if the development contravenes a condition and as such, the proposed development is not considered as exempted development and does require planning permission.

### **Conclusion**

Having regard to Condition 23 of Planning Permission granted under Ref. SDZ17A/0006 (as amended by SDZ18A/0005) and Article 9 of the Planning and Development Regulations 2001 (as amended), which removed exempted development provisions, the proposed development requires planning permission and is not exempt.

### **Adjacent sites:**

### **Relevant Enforcement History**

None on record.

### **Pre-Planning Consultation**

None on record.

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

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

**H14 Objective 1:** To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in

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Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

**H14 Objective 2:** To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

### Green Infrastructure

- Policy GI1: Overarching Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.
- **GI1 Objective 4:** To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.
- **GI2 Objective 4:** To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: *Implementation and Monitoring* and the policies and objectives of this chapter.
- **GI4 Objective 1:** To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's *Sustainable Drainage Explanatory Design and Evaluation Guide, 2022*.

### **Section 12.4.2 Development Management and Green Infrastructure**

- Includes need for a Green Infrastructure Plan.
- 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.

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- 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.

### **Relevant Government Guidelines**

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

*Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.*

*Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).*

*Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).*

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

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

*Section 4: Do not overlook, overshadow or have an overbearing impact on neighbouring properties.*

- It is important to take account of any significant changes in site level between neighbouring properties, and the orientation of the properties and proposed extension, as these factors may increase or decrease the overbearing or overshadowing impact.

### **Rear Extensions:**

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

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### Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- Service water and drainage.

### *Zoning and Council Policy*

The site of the proposed development is within Development of Shackleton Grove, of Adamstown SDZ which is subject to zoning objective 'SDZ' 'To provide for Strategic Development in accordance with approved planning schemes' under the South Dublin County Council Development Plan 2022-2028. The SDZ Planning Scheme requires that development be laid out in a manner which adheres to a specific built form. Extensions to existing residential development within the SDZ are assessed against Council policy in relation to extensions to dwelling houses, as set out in South Dublin County Council House Extension Design Guide (2010), and in the Development Plan.

### *Site Notices:*

The site notices do not describe the proposed development is within the Development of Hallwell Road, of Adamstown SDZ which is subject to zoning objective 'SDZ' 'To provide for Strategic Development in accordance with approved planning schemes' under the South Dublin County Council Development Plan 2022-2028. The application is therefore deficient in correctly identifying that the subject site is located within an SDZ. An application of this type would require the submission of revised notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended). The Applicant is requested to do so by **Additional Information**.

### *Residential & Visual Amenity*

#### Rear Extension

Having regard to the substantial depth of the proposed pitched roof rear extension that projects 11m from the rear building line, in particular where it is adjacent to the site of No. 16 Hallwell Road to the south; it is considered that the proposed extension would give rise to an overbearing impact of the adjoining property due to the close proximity of the dwellings and therefore would impact negatively on the amenities of the adjacent properties. It is also considered that the proposal will provide insufficient residential amenities for future occupants on this limited site and, therefore, would not be consistent with the Development Plan provisions.

The planning authority notes the uniform development pattern within the surrounding Adamstown SDZ area. Due to the compact and close proximity of the sites, the proposed considerable depth of the said proposal at 11m along the southern boundary wall with a ridge height of 3.7m would be considered injurious to the amenities of the adjacent properties. The

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planning authority notes the site level increase at the subject site and how the extended proposal would be almost double the length of the existing dwelling.

The site layout plan does not indicate the subject site levels nor levels/contours of adjoining sites. The levels and contours of the site is important in the assessment of this proposed development. The South Dublin County Council House Extension Guide (2010) states the following:

- *It is important to take account of any significant changes in site level between neighbouring properties, and the orientation of the properties and proposed extension, as these factors may increase or decrease the overbearing or overshadowing impact.*

Additional Information will request the applicant to reduce the depth of the proposed rear extension and should, at minimum, not extend beyond 5m from the existing rear building line of the dwelling. The applicant shall be requested to also give clear site levels with adjacent sites for clarity. This is consistent with the guidance in Section 4 of the South Dublin County Council House Extension Design Guide (2010). *Do not overlook, overshadow or have an overbearing impact on neighbouring properties.*

It is considered that the revised proposal would not be significantly injurious to the amenities of the adjacent properties. No undue overlooking issues are envisaged due to the recessed element of the proposal 3.4m to the north of the site. Subject to the above condition, the proposal is considered acceptable, and a grant of permission is recommended.

### **Roads and Access**

The Roads Department report states no objections.

### ***Green Infrastructure***

The proposal is not overlapping with a Primary GI Corridor and incorporating GI as an integral part of the design and layout concept for the rear extension is not considered feasible for the subject proposal.

### **Services & Drainage**

Regarding surface water drainage and flood risk, the Water Services have not submitted a report, however it is deemed that standard conditions can be obtained by **condition**.

Irish Water have not submitted a report however, the proposal shall be subject to the attachment of standard **conditions** related to water supply and foul water drainage, and this will be applied in the event of a grant of permission.

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### ***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 rear extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### ***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.

### ***Development Contributions***

#### **Development Contributions Assessment Overall Quantum**

Rear Extension:	31sq.m
Assessable Area:	NIL

### **SEA Monitoring Information**

Building Use Type Proposed:

Floor Area: 31 sq.m

Land Type: Urban Consolidation.

Site Area: 0.021 Hectares.

### **Conclusion**

The Planning Authority considers that the length of the rear extension would be significantly injurious to the property's amenities to the south. Therefore, the applicant shall be requested to reduce the size. Coinciding due to the proposed development's location within an SDZ area; accordingly, the applicant shall be requested to re-advertise under Article 35 of the Planning and Development Regulations 2001 (as amended).

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposed extension would be in compliance with Council policy in relation to extensions to dwelling houses.

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### Recommendation

#### Further Information

Further Information was requested on 18<sup>th</sup> August 2022

Further Information was received on 30<sup>th</sup> September 2022

#### Consultations:

No reports received.

#### Submissions/Observations

None received for this application.

The Further Information requested is as follows:

1. The site notices do not describe the proposed development within the Development of Hallwell Road, of Adamstown SDZ, which is subject to zoning objective 'SDZ' 'To provide for Strategic Development in accordance with approved planning schemes' under the South Dublin County Council Development Plan 2022-2028. The application is therefore deficient in correctly identifying that the subject site is located within an SDZ.
  - (i) The applicant is requested to submit revised newspaper and site notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).
2. Rear Extension

The applicant is requested to submit the following:

  - (i) A revised proposal to reduce the depth of the rear extension to a maximum depth of 5m. The length is measured from the rear building line of the existing dwelling.
  - (ii) The site layout plan does not clearly illustrate the relationship between the subject site and the adjoining properties; it does not notate existing site levels and contours.
  - (iii) The applicant is requested to submit a revised site layout plan/elevation/section drawing showing the changes required in Item (i) and (ii).

#### *Item 1*

The site notices do not describe the proposed development within the Development of Hallwell Road, of Adamstown SDZ, which is subject to zoning objective 'SDZ' 'To provide for Strategic Development in accordance with approved planning schemes' under the South Dublin County Council Development Plan 2022-2028. The application is therefore deficient in correctly identifying that the subject site is located within an SDZ.

- (i) The applicant is requested to submit revised newspaper and site notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).



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### Assessment

The applicant has submitted a cover letter from *Dublin Planning Architectural Services – Planning Services – Planning Consultants – Project Management - Surveying* dated the 28<sup>th</sup> of September 2022.

In response to the AI request, the applicant has submitted a revised (yellow) site notice that describes the proposed development within the Development of Hallwell Road, of Adamstown SDZ, that is subject to zoning objective 'SDZ' 'To provide for Strategic Development in accordance with approved planning schemes' under the South Dublin County Council Development Plan 2022-2028.

(i) The applicant has re-submitted a revised newspaper and site notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).

### ***Item 2***

#### **Rear Extension**

The applicant is requested to submit the following:

- (i) A revised proposal to reduce the depth of the rear extension to a maximum depth of 5m. The length is measured from the rear building line of the existing dwelling.
- (ii) The site layout plan does not clearly illustrate the relationship between the subject site and the adjoining properties; it does not notate existing site levels and contours.
- (iii) The applicant is requested to submit a revised site layout plan/elevation/section drawing showing the changes required in Item (i) and (ii).

### Assessment

In response to the AI request, the applicant has submitted drawings titled 'Floor Plan, Elevations, Section, Site Location Map, Block Plan' Dwg Ref *P-01B*.

The applicant notes in the cover letter that reducing the depth of the extension to 5m would not leave the client with an adequate extension that would not satisfy the purpose of building the extension. The applicant has now outlined that the extension has been reduced from 11m from the rear building line to 8m. The rear extension originally proposed was 31sq.m and is now presented at 23 sq.m, a reduced total of 8 sq.m. The rear amenity space has been increased to 53 sq.m as noted by the submitted drawing Dwg Ref *P-01B*.

In this instant, the applicant has now provided a rationale for the 3m length reduction of the rear extension. It is noted that the space to extend is limited on this site, and the extension's width remains at a slender 3.6m and 3.7m in height. The new rear amenity space is sufficient at 53 sq.m and, where the revised extension is adjacent to the site of No. 16 Hallwell Road to the

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south; this recessed 23sq.m proposal is now considered acceptable and is deemed to be more proportionate in scale and size to the existing dwelling and the subject site.

(ii) The site layout plan on Dwg Ref *P-01B* now illustrate's the relationship between the subject site and the adjoining properties; and notates existing site levels and contours and considered acceptable.

(iii) The applicant has submit a revised site layout plan/elevation/section drawing showing the changes required in Item (i) and (ii) on Dwg Ref *P-01B* and this is now considered acceptable.

### ***Development Contributions***

#### **Development Contributions Assessment Overall Quantum**

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22B/0299
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Rear Extension - 23sqm.
<b>Are any exemptions applicable?</b>	Yes
<b>Is development commercial or residential?</b>	Residential
<b>Total development contribution due</b>	€0

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan and to the subdivision of the existing dwelling, it is deemed the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, in this instance, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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### **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 30th September 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. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.  
(b) Restriction on Use.  
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.  
REASON: To prevent unauthorised development.  
(c) Drainage - Irish Water.  
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.  
(ii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.  
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.  
(d) Minimise Air Blown Dust.  
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust

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nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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

(e) Construction Noise and Hours.

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

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

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

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

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

3. (a) The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section.
- (b) The applicant shall include water butts as part of Sustainable Drainage Systems (SuDS) for the development.
- (c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

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

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

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

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**REG. REF. SD22B/0299**

**LOCATION: 18, Hallwell Road, Adamstown, K78A9R9**

  
**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:** 27/10/22

  
**Gormla O'Corrain, Senior Planner**