

Comhairle Chontae Atha Cliath Theas

PR/1356/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0328 **Application Date:** 15-Jul-2022
Submission Type: Additional **Registration Date:** 04-Oct-2022
Information

Correspondence Name and Address: William Doran 7 St. Marys Road, Ballsbridge, Dublin 4.

Proposed Development: Two storey granny flat on the side.

Location: 48, Dargle Wood, Knocklyon, Dublin 16

Applicant Name: Bernadette Lea

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: Stated as 0.09 Hectares.

Site Description:

The subject site is located within the Dargle Wood residential estate in Knocklyon. The subject dwelling is a two-storey semi-detached dwelling with a pitched roof at the end of a cul-de-sac. The rear of the property faces onto public open space.

Proposal:

The proposed development consists of the following:

- Construction of two storey family flat with pitched roof to the side of existing semi-detached dwelling.
- Proposed works measures 97.44sq.m

Zoning:

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

Consultations:

Water Services Section: No report received

Irish Water: No report received

SEA Sensitivity Screening

Indicates no overlap with the relevant environmental layers.

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Submissions/Observations /Representations

A submission was received in objection to the proposed development from the neighbour at 47 Dargle Wood. Concerns include:

- The proposal is effectively a new two storey dwelling overlooking and overbearing on neighbouring No. 47 Dargle Wood.
- The proposal is seriously injurious to the enjoyment of the residents of No.47 Dargle Wood.
- The public notices do not adequately describe the proposed works which has the effect of extending the existing dwelling at No. 48 Dargle Wood into an 8 bedroom dwelling.
- The proposal has its own separate front door and is a fully contained separate dwelling unit with a tenuous link to claim family/granny flat status.
- The proportion of the windows (west) is not in keeping with the fenestration style of the existing dwelling.
- Loss of privacy and overlooking.
- Proposal is very close to the boundary wall with No.47 Dargle Wood.
- The windows to the top floor and gable end are of serious concern.
- Overbearing impact.
- There is already a declared study and home office in the existing dwelling and the justification for a first floor office seems contrary to home based economic activity and would be more closely aligned to an office development.
- Daylight and overshadowing.
- Natural light will be seriously reduced by the two storey extension.
- Proposal will devalue the property at No.47 Dargle Wood.
- The intensification of the site would have the knock on impact of additional car parking requirements in a cul-de-sac.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development

Recent Relevant Planning History:

No relevant history

Relevant Enforcement History:

S4541. Case now closed.

Pre-Planning Consultation:

No Pre-Planning consultation recorded.

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Relevant Policy in South Dublin County Council Development Plan 2022 – 2028:

Section 6.8.3 Family Flats

Policy H15 - Family Flats

It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.

H15 Objective 1: To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: *Implementation and Monitoring*.

Section 2.6.8 Residential Consolidation

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and 'that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

Extensions

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

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Section 6.8.2 Residential Extensions

Domestic extensions allow for the sustainable adaptation of the County's existing housing stock. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the Development Plan.

House Extension Design Guide South Dublin County Council Planning Department, 2010.

Relevant Government Guidelines:

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'To protect and/or improve Residential Amenity'. The development of a family flat extension to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan regarding family flat development and extensions, where a valid case for the family flat development is provided, and where the proposal would not otherwise detract from the existing residential amenity of the area.

Residential & Visual Amenity

In the South Dublin County Development Plan 2022 – 2028 Section 6.8.3 Family Flats states:

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated. In the South Dublin County Development Plan 2022 – 2028 Section 12.6.8 Residential Consolidation (Family Flats) states:

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to

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represent an independent dwelling unit and as such open space and car parking standards are not independently assessed.

Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

The applicant has submitted information to satisfactorily demonstrate that there is an established need to provide semi-independent accommodation for an immediate family member (older parent or other dependent). This element complies with the criteria of the South Dublin County Council Development Plan 2022-2028, Section 12.6.8 Residential Consolidation (Family Flats) and Housing Policy (H) Policy 15 Family Flats.

The existing dwelling has a floor area of c.212sq.m. and the proposed family flat measures c.97sq.m. This will mean a total internal floor area of c.309.8sq.m. The proposed family flat does not exceed 50% of the total floor area (i.e., Total floor area is approx. 106sqm.) of the main dwelling. Therefore, this element complies with the criteria of the South Dublin County Council Development Plan 2016-2022, Section 12.6.8 Family Flats and Housing (H) Policy 15 Family Flats.

The proposed family flat is connected directly to the main house. The ground floor kitchen/dining room of the family flat will be connected directly by an internal access door to the cloakroom of the existing house. This would comply with the South Dublin County Council Development Plan regarding Family Flats, Section 12.6.8 Residential Consolidation (Family Flats).

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The proposed family flat will have its own separate front door access on the front elevation of the family flat. This **would not comply** with Council Policy on family flats (Section 12.6.8 Residential Consolidation (Family Flats) which states:

- *The main entrance to the existing house shall be retained and **the family flat shall be directly accessible from the front door of the main dwelling via an internal access door,** and the design criteria for dwelling extensions will be applied;*
- ***Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;***

The above requirements are not reflected in the layout and design of the family flat.

It is considered this may be addressed by way of **Additional Information** whereby the applicant is requested to submit revised planning drawings clearly showing the omission of the proposed separate front door to the family flat and relocating it to the side or to the rear to provide access to the rear private open space or for escape from fire.

The proposed two storey family flat with pitched roof will have a ridge height set c.0.52 metres below the ridge height of the existing dwelling. The family flat will be offset c.3.34m from the boundary with the immediate neighbour to the west. It will be setback from the main front building line by c.3.5m and will project forward of the main rear building line by c.1.5m. A reasonable level of private open space will remain post completion. There are above ground floor windows proposed on the south, east and west elevation. It is noted that windows on the west elevation will be permanently obscured and therefore there will be no undue overlooking. There will also be no undue overlooking from the proposed windows on the south and east elevation. It is not considered that the proposal will have a significant adverse overbearing impact and would comply with the design criteria for dwelling extensions.

Services & Drainage

No reports from Irish Water or Surface Water Drainage have been received to date. However, in the event of a grant it is considered appropriate to attach standard drainage conditions.

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Screening for Appropriate Assessment (AA)

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 house 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.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- Development subject of this application is for two storey family flat measuring a total of 97.44sq.m.
- No exemption remains.
- Assessable area is 97.44sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – ‘family flat’ extension	97.44sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.09

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Conclusion

Request **additional information** whereby the applicant is requested to submit revised planning drawings clearly showing the omission of the proposed separate front door to the family flat and relocating it to the side or to the rear.

Recommendation

Request Further Information.

Further Information

- Further Information was requested on 07/09/2022.
- Further Information was received on 04/10/2022.

No submissions/observations on the further information have been made.

Further information

The following Further Information was requested.

Item 1: Separate Door.

In the South Dublin County Development Plan 2022 - 2028 Section 12.6.8 Residential Consolidation (Family Flats) states:

- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;

The above requirements are not reflected in the layout and design of the family flat.

The applicant is requested to submit a revised design accordingly and which shows the omission of the proposed separate front door to the family flat and relocating it to the side or to the rear to provide access to the rear private open space or for escape from fire.

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Further Consultations

None.

Further Submissions/Observations

None received.

Assessment

Item 1: Separate Door

The applicant has submitted a cover letter and revised plan drawings in an attempt to address the request for additional information. The revised drawings submitted show that there will now be now door to the front elevation.

An extract taken from the cover letter submitted states the following:

Thank you for your recent letter seeking additional instruction.

I have revised the drawing removing the door in the front façade and herewith attach drawing 7020-02FI reflecting the change.

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Other Considerations

Development Contributions

- Development subject of this application is for two storey family flat measuring a total of 97.44sq.m.
- No exemption remains.
- Assessable area is 97.44sq.m.

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Planning Reference Number	SD22B/0328
Summary of permission granted & relevant notes:	Residential Extension - Family Flat 97.44sq.m.
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)	97.44
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	97.44
Total development contribution due	€10,181.51

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – ‘family flat’ extension	97.44sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.09

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Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

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 04/10/2022, 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. Drainage - Surface Water.
The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:
 - (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have

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a minimum thickness surround of 150mm Concrete Class B.

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

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

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.

3. Restrictions on Family Flat.

(a) The use of the family flat shall be restricted to a residential use only, directly associated with the use of the existing house on the site for such purposes and the family flat shall not be subdivided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house.

(b) The family flat extension shall revert to use as part of the main house when the development is no longer required for use as a family flat.

REASON: To ensure that the family flat does not operate as an independent dwelling unit or for any commercial purpose, in the interest of residential amenity and the proper planning and sustainable development of the area.

4. 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.

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5. 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 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.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €10,181.50 (Ten thousand, one hundred and eighty one Euro and 50 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

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the year in which implementation of the planning permission is commenced.

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

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

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

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

NOTE: 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.

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REG. REF. SD22B/0328

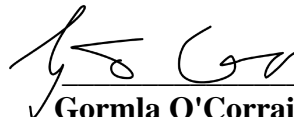
LOCATION: 48, Dargle Wood, Knocklyon, Dublin 16

jjohnston

Jim Johnston,
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