

Comhairle Chontae Atha Cliath Theas

PR/1349/22

Record of Executive Business and Chief Executive's Orders

Reg. Reference: SD22B/0391 **Application Date:** 02-Sep-2022
Submission Type: New Application **Registration Date:** 02-Sep-2022
Correspondence Name and Address: Deaton Lysaght Architects 44, South Richmond Street, Dublin 2
Proposed Development: Retention of: Construction of attic conversion, separate utility room and gymnasium in rear garden and garage at side of existing house and all associated works.
Location: 51, Foxdene Avenue, Lucan, Co. Dublin
Applicant Name: Amanda Bell
Application Type: Permission and Retention

(SW)

Description of Site and Surroundings

Site Area: stated as 0.02346

Site Description

The subject site is an end of terrace dwelling with a side gable. It fronts onto an area of open space. There is a wall adjacent to the open space that provides a division between the residential area and Thomas Omer Way.

Proposal

Retention permission is sought for

- Construction of attic conversion, separate utility room and gymnasium in rear garden and garage at side of existing house and all associated works.

Zoning

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

Consultations

Water Services – no report received at time of writing.

Roads – No objections.

Irish Water - no report received at time of writing.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Aviation: CDP Maps indicate the site is located within Conical surface (Casement), Bird hazards and outer horizontal surface (Dublin)

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Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None.

Adjacent sites

None.

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

None recorded for subject site according to APAS.

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

Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H11: Privacy and Security Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

6.8.2 Residential Extensions

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

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy G11: Overarching

G11 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.

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Policy E3: Energy Performance in Existing and New Buildings Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

Policy E4: Electric Vehicles Promote the delivery of EV charging facilities in accordance with relevant regulations and national and regional policy and guidance. (see also Chapter 7: *Sustainable Movement* and Chapter 12: *Implementation and Monitoring*)

Policy SM7: Car Parking and EV Charging Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Policy IE1: Overarching Policy Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management All planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission:

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

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

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

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12.4.3 *Riparian Corridors* (not within an identified area)

12.5 *Quality Design and Healthy Placemaking*

12.6 *Housing - Residential Development*

12.6.7 *Residential Standards*

12.6.8 *Residential Consolidation*

Extensions

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

12.7.4 *Car Parking Standards*

Table 12.26: *Maximum Parking Rates (Residential Development)*

12.7.5 *Car Parking / Charging for Electric Vehicles (EVs)*

12.7.6 *Car Parking Design and Layout*

12.11.1 *Water Management*

(i) *Flood Risk Assessment*

Proposals for minor development to existing buildings (for example, extensions or change of use) in areas of flood risk should include a flood risk assessment of appropriate detail.

(ii) *Surface Water*

Development proposals should provide suitable drainage measures in compliance with the *South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022*.

(iii) *Sustainable Urban Drainage System (SuDS)*

In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS).

(iv) *Groundwater*

(v) *Rain Water Harvesting*

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including for altering the roof profile and attic conversions and dormer windows:

Elements of Good Extension Design:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow, or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Attic conversions and dormer windows:

- *Use materials to match the existing wall or roof materials of the main house.*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.*

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-Locate dormer windows as far back as possible from the eaves line (at least three tile courses).

-Relate dormer windows to the windows and doors below in alignment, proportion, and character.

-In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.

-Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.

-Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.

-Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.

-Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

Relevant Government Guidelines

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

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

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

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).

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective RES – ‘*To protect and/or improve residential amenity.*’ New residential extensions to existing dwellings are permissible in principle under this zoning objective, subject to their being in accordance with

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the relevant provisions of the South Dublin County Council House Extension Design Guide 2010.

In accordance with 12.4.2 Green Infrastructure and Development Management. Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. The proposal retains rear amenity space, which is considered sufficient in this instance.

Previous permission

SD21B/0594 granted permission for '*A double storey front, side and rear extension comprising of a play room, pantry/storage room and study room at ground floor level; new bedroom with en-suite at first floor; remove existing single storey kitchen annex at rear of house and replace with a new single storey extension comprising of kitchen/dining/living area with roof windows; all associated site works*'. The works proposed in this application would not impact the previously approved scheme.

Visual and Residential Amenity

Attic conversion.

It is not indicated that the space would be habitable. A note is recommended in the event of grant, advising of building regulations requirements.

Whilst not specifically stated in the description. It is apparent that 'attic conversion' include the retention of a dormer window. The dormer to be retained is a flat-roofed dormer extension on the rear slope of the roof. This sits above the ridge of the dwelling and is not considered acceptable and has a negative impact on visual amenity, particularly as the site is in a prominent location, adjacent to Thomas Omer Way and an area of open space.

The House Extension Design Guide recommends that dormers are set at least 100mm from the ridge of the roof and at least three tile courses from the eaves. It is therefore considered that retention permission should be refused for this element.

Separate utility room and gymnasium in rear garden and garage at side of existing house and all associated works

The garage is situated to the side of the dwelling, in line with the main building line. It has a lean-to roof. The design of this element of the proposal is acceptable in terms of visual amenity. The utility room is situated to the rear of the garage and is not visible. The gym is also not visible.

In terms of the impacts on residential amenity, the garage / utility has a height of approx. 2.2m adjacent to the boundary with the neighbouring property. This is considered acceptable.

The gym is situated to the rear. The roof is monopitch, rising from 2.725m to 3m. The 3m element would be adjacent to No43 Foxdene Ave and No15 Foxdene Green. It is approx.

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10.2m from No43, however, it is noted that the garden of No 51 only extends partly behind No43 and No15. The gym would also meet the boundary with No53; however, it does not significantly impact the amenity of the neighbouring property adversely due to the location at the end of the garden. It is considered that the impact on the amenity of the adjacent occupiers is acceptable.

Approx 32.6sq.m of rear amenity space remains following the development. This is considered acceptable. It is noted that the gym contains a w/c and shower. This is not considered acceptable as the structure is ancillary to the main dwelling. A condition is recommended seeking removal.

All associated site works.

No further works apparent.

Green Infrastructure

The site is not located within a Primary GI Corridor. Or Secondary GI Corridor.

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

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

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

Having regard to the extent of private amenity grassland retained 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, GI4 Objective 1, GI2 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

Services and Drainage

Water Services has not provided comments. There are no underground services close to the structures for retention.

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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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Development Contributions

Attic conversion, garage, utility room, gym (non-habitable), 85.7sq.m - retention

Assessable area = Nil

SEA monitoring

Building Use Type Proposed: Residential

Floor Area: 85.7sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.02346 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

It is considered that the majority proposed development for retention would be in compliance with Council policy in relation to extensions to dwelling houses, 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. However, the proposed dormer for retention is not considered acceptable and retention permission should be refused for this element.

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Recommendation

I recommend that permission be granted for retention of the separate utility room and gymnasium in rear garden and garage at side of existing house subject to the Conditions/Reasons set out in the **First Schedule** hereto and that Permission be refused for the rear dormer roof extension for the Reason(s) set out in the **Second Schedule** hereto.

FIRST SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The utility room, gymnasium and garage shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within 6 months of the grant of permission, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Amendments.
within 3 months of the grant of permission the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
(a) The bathroom shall be omitted from the gym.
The proposed amendments shall be completed fully in accordance with plans within 6 months of agreement of these details.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.
(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.
(c) Drainage - Irish Water.
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
(iii) All drainage works for this development shall comply fully with the Greater Dublin

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Regional Code of Practice for Drainage Works.

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

(d) Minimise Air Blown Dust.

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

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

(e) Construction Noise and Hours.

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

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

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

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

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4. No permission is hereby granted for the retention of the rear dormer window

REASON: To clarify the scope of the consented development

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

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

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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

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REG. REF. SD22B/0391

LOCATION: 51, Foxdene Avenue, Lucan, Co. Dublin

SECOND SCHEDULE

Reason(s)

1. The rear dormer extension for retention, by reason of its design, would protrude past the existing dwellings ridge line and would be visually obtrusive and out of character for this established residential area, and would be contrary to the guidance in the South Dublin County Council House Extension Design Guide (2010). Thus, the proposed retention would seriously injure the amenity of property in the vicinity and be contrary to the 'RES' zoning objective for the area which seeks 'to protect/and or improve residential amenity', and is contrary to the South Dublin County Council Development Plan 2022 - 2028. Furthermore, the dormer as constructed sets an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area. and the proper planning and sustainable development of the area.

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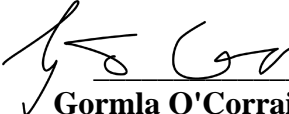
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Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning and Development Act 2000 (as amended) to that permission be granted for retention of the separate utility room and gymnasium in rear garden and garage at side of existing house subject to the Conditions/Reasons set out in the **First Schedule** hereto and that Permission be refused for the rear dormer roof extension for the Reason(s) set out in the **Second Schedule** hereto is hereby made.

Date: 28/10/22



Gormla O'Corrain, Senior Planner