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**NOTIFICATION OF DECISION TO GRANT RETENTION & REFUSE PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) and PLANNING
REGULATIONS THEREUNDER.**

Decision Order No: 1349	Date of Decision: 28-Oct-2022
Register Reference: SD22B/0391	Date:

Applicant: Amanda Bell

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

Time extension(s) up to and including:

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County of South Dublin, did by Order dated as above make a **DECISION TO GRANT RETENTION & REFUSE PERMISSION** in respect of the above proposal, as detailed on the following pages.

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.

A decision pursuant to Section 34(1) of the Planning and Development Act 2000 (as amended) to **Grant Retention** of the separate utility room and gymnasium in rear garden and garage at side of existing house subject to the Conditions and Reasons specified in Schedule 1.

SCHEDULE 1

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 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.

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

REASON: To clarify the scope of the consented development

1. 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.

A decision to **Refuse Permission** for the rear dormer roof extension for the Reason(s) specified in Schedule 2.

SCHEDULE 2

Reasons

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.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council

Register Reference: SD22B/0391



for Senior Planner **28-Oct-2022**