

# Comhairle Chontae Atha Cliath Theas

**PR/1351/22**

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

**Reg. Reference:** SD22B/0396      **Application Date:** 06-Sep-2022  
**Submission Type:** New Application      **Registration Date:** 06-Sep-2022  
**Correspondence Name and Address:** Claire O'Neill, Onor Design 13A Adelaide Road,,  
Dublin 2.  
**Proposed Development:** Detached gym and utility room with connection to all  
existing services.  
**Location:** 8, Liffey Avenue, Liffey Valley Park, Lucan, Dublin  
**Applicant Name:** Valeria Mihai & Valeriu Pirvu  
**Application Type:** Retention

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

#### Site Area:

Stated as 0.0215 Hectares.

#### Site Description:

The subject site is located within an established residential cul-de-sac at No. 8 Liffey Avenue, Liffey Valley Park, Lucan, Co. Dublin and contains a two storey semi-detached dwelling with an area of hardstanding for off-street car parking and small lawn to the front and a rear garden which includes a single storey detached structure (for which retention permission is sought in this Planning Application).

The site is bound to the east by a residential dwelling at No. 6 Liffey Avenue, to the west by a residential dwelling at Nos. 10 Liffey Avenue, to the north by the rear gardens of dwellings along Liffey Park and to the south by an internal road known as 'Liffey Avenue'.

The surrounding streetscape is generally characterised by dwellings of a similar scale and architectural design, with a generally uniform building line which follows the crescent shape created by the internal roadway known as 'Liffey Avenue.'

### **Subject Development:**

Retention permission is sought for the following:

- A single storey detached structure in the rear garden of the existing dwelling with an approximate floor area of 23 sq.m, an approximate width of 5m and an approximate length of 5.5m. The structure has a flat roof profile, with a parapet height of approximately 2.7m.

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- According to the drawings provided by the Applicant, the internal layout of the structure is comprised of a gym and a utility room. There is 1 No. door and 2 No. windows in the front (southern) elevation and 1 No. window in the rear (northern) elevation.

### **Zoning:**

The site is located in an area that is zoned 'RES,' where the stated objective is 'to protect and/or improve residential amenity' in the South Dublin County Development Plan 2022-2028.

### **Consultations:**

Drainage and Water Services Department: No report received at time of writing.

Irish Water: No report received at time of writing.

Roads Department: No report received at time of writing.

Parks Department: No objection, subject to conditions.

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

Final date for submissions/observations – 10<sup>th</sup> October 2022.

None received.

### **Relevant Planning History**

Subject site

No valid Planning History for the subject site.

Adjacent Sites

No significant relevant Planning History in the vicinity of the subject site.

### **Relevant Enforcement History**

**S8945** – Alleged unauthorised structure in rear garden which may not be exempt.

### **Pre-Planning Consultation**

None was recorded for the subject scheme.

### **SEA Sensitivity Screening**

No overlap indicated with the relevant environmental layers.

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

*Chapter 4 Green Infrastructure*

*Section 4.1 Methodology*

*GII 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,*

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*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.*

### *Section 4.2.1 Biodiversity*

*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.*

### *Section 4.2.2 Sustainable Water Management*

*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 6.8.2 Residential Extensions*

*Policy H14: 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).*

### *Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

#### *Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

## *Chapter 12 Implementation and Monitoring*

### *Section 13.5.8 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.*

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### The South Dublin County Council House Extension Design Guide (2010)

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

#### 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.'*

#### Overbearing Impact

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

#### Relevant Government Guidelines:

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

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**Urban Design Manual**, 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).

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

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

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### **Assessment**

The main issues for the assessment are:

- Zoning and Council Policy.
- Visual and Residential Amenity.
- Roads.
- Parks.
- Drainage and Water Services.
- Green Infrastructure.
- Screening for Appropriate Assessment.
- Environmental Impact Assessment.

### ***Zoning and Council Policy***

The development comprises the retention of a single storey structure is consistent with zoning objective 'RES'– 'To protect and/or improve residential amenity.' As the shed structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2022-2028.

### ***Visual and Residential Amenity***

The current application shall also be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010).

A single storey extension with an approximate floor area of 23 sq.m has been constructed in the rear garden of the existing dwelling, without the benefit of Planning Permission. The purpose of this Planning Application appears to be to seek Retention Permission for the structure, to regularise its planning status. The structure has an approximate width of 5m and an approximate length of 5.5m. The structure has a flat roof profile, with a parapet height of approximately 2.7m. There is 1 No. door and 2 No. windows in the front (southern) elevation and 1 No. window in the rear (northern) elevation.

Concerns arise regarding the potential for the structure to have an overbearing and overshadowing impact on adjacent properties, particularly the rear amenity spaces of the residential dwellings directly adjoining the boundary of the subject site. The Site Layout Plan is deficient in information regarding the levels/contours of surrounding properties and thus it is difficult to assess the subject development in the context of the change in level. According to the drawings provided by the Applicant, the single storey structure has a height of approximately 2.7m. In this instance, having regard to the separation distance of 0.8m to the party boundary to the northeast and 0.6m to the party boundary to the southwest and the 2.7m height of the

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structure, it is considered that there is unlikely to be a significant adverse impact on the residential and visual amenity of adjoining properties.

The Application does not state that the single storey structure shall be operated separately to the main dwelling. According to the floorplans provided with the Planning Application, the structure contains gym and utility room. These uses would appear to be ancillary to the main dwelling. However, should permission be granted for the retention of the development, a **CONDITION** should be attached ensuring that the structure cannot be operated, leased or sold separately to the main dwelling and that the gym shall not be operated for commercial purposes.

### **Roads**

No report was received from the Roads Department at the time of writing this Report. However, it is noted that the subject development would not alter the access arrangements or car parking provision of the subject site.

### **Parks and Public Realm**

A report received from the Parks and Public Realm Department indicates that they have no objections to the subject development, subject to the following **CONDITIONS**:

*'The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access.' No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.*

*Reason: In the interests of the Protection of Street Trees in Grass Margins and compliance with NCBH11 Objective 3 of the South Dublin County Development Plan 2022-2028'.*

### **Drainage and Water Services**

The Irish Water Network map appears to indicate that the subject site is serviced by a public mains and sewer.

The information shown on the drawings provided by the Applicant is insufficient to determine whether the single storey structure is connected to the drainage and water services network servicing the subject site. However, should permission be granted for the development, it is considered appropriate that standard drainage **CONDITIONS** should be attached relating to water supply, surface water and foul water drainage.

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### ***Green Infrastructure***

The subject site is not located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028).

Having regard to the nature and extent of the existing single storey structure i.e., 23 sq.m of floorplate, the development will not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site.

### ***Screening for Appropriate Assessment***

The subject site is not located within nor within close proximity to a European site. The subject development is located within an established residential area and comprises retention of a single storey detached structure in the rear garden.

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 subject development if retained, 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 nature and scale of the development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the current application is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at the preliminary examination and a screening determination is not required.

### **Other Considerations**

#### **Development Contributions**

As the current development is for retention permission for a non-habitable single storey structure which is ancillary to the main existing dwellings, no development contributions arise in accordance with the South Dublin County Council Development Contribution Scheme 2021-2025.

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### SEA Monitoring Information

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential (Domestic Extension and Family Flat)	23 sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0215 Ha.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development it is considered that, subject to the conditions set out below, the subject development if retained, 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.

### **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 Retention 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 retained and completed fully in accordance with plans, particulars and specifications lodged with the application, 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. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the



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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

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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. Restriction on Use.

The house and the detached single storey structure containing a gym and utility room shall be jointly used as a single dwelling unit for residential purposes only and shall not be subdivided or used for any commercial purposes, and the detached single storey structure shall not be sold, let (including short-term letting), leased or transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

### 4. The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.

REASON: In the interests of the Protection of Street Trees in Grass Margins and compliance with NCBH11 Objective 3 of the South Dublin County Development Plan 2022-2028

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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/0396**

**LOCATION: 8, Liffey Avenue, Liffey Valley Park, Lucan, Dublin**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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:** 28/10/22

*Gormla O'Corrain*

**Gormla O'Corrain, Senior Planner**