

Comhairle Chontae Atha Cliath Theas

PR/1369/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0398 **Application Date:** 06-Sep-2022
Submission Type: New Application **Registration Date:** 06-Sep-2022

Correspondence Name and Address: Vincent Bacon Amberwood Studio, Washington Lane, Rathfarnham, Dublin 14

Proposed Development: Permission to retain the existing obscure glazed screen to the north elevation, providing natural light to the stairwell of the existing dwelling in lieu of the approved circular window in a similar location (application SD14A/0150, PL065.244270.)

Location: Woodley Lodge, Washington Lane, Dublin 14

Applicant Name: Anthony Duffin

Application Type: Retention

Description of Site and Surroundings:

Site Area: stated as 0.0863 hectares on application form.

Site Description:

The subject site is located on Washington Lane which is off of Butterfield Avenue. The subject site consists of a single storey dormer type dwelling which is located in the wider curtilage of the protected structure No. 250, Orchardstown House, a two Storey House (of Georgian Style). A c2.25m high boundary wall is located c1.5m from the north elevation of the dwelling. The surrounding area consists of dwellings of varying architectural styles and periods.

Proposal:

The proposed development consists of the following:

- **Retain** existing obscure glazed screen to the north elevation, providing natural light to the stairway of existing dwelling in lieu of approved circular window in a similar location (app SD14A/0150, PL065.244270).

Zoning:

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

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Consultations:

SEA Sensitivity Screening – Indicates overlap with the following layers;

Record of Protected Structures

Ref No. 245

Location: Washington House, Washington Lane, Rathfarnham.

Description: Detached Three-Bay Two-Storey House

Ref No. 250

Location: Orchardstown House, Washington Lane, Rathfarnham

Description: Two Storey House (Georgian Style)

Record of Monuments and Places

Ref No. R149427

Location: Butterfield

Description: Habitation site

Submissions/Observations /Representations:

Submission expiry date – 10/10/2022

One submission was received objecting to the proposed retention of glazed screen/window.

Points raised:

1. Window overlooks neighbouring property (Washington House)
2. Perception of overlooking despite serving stairwell – non habitable room
3. Proximity of window to boundary a planning issue:
 - a. SI. No.600/2001 – Planning and Development Regulations, 2001 exempted development: Class 1 6(b) – ‘*Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*’
4. Occupants leave stair light on at night – Light pollution and effects private amenity and enjoyment of property.
5. Window north facing, argument for little light penetration
6. Functional purpose of window is questioned and the devalue of neighbouring property due to the perception of overlooking
7. Frosted coating on window in response to concerns above is weak
8. Window to be removed, no objection to rooflight.

The issues raised in the third-party submission have been considered in assessing this planning application.

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Relevant Planning History:

Subject Site:

SD14A/0150 - Orchardstown House, Washington Lane, Dublin 14.

Refuse Permission

1. The wall to the property is on the road edge and sightlines are blocked by the wall. While the entrance exists, the applicant is proposing additional traffic. The generation of additional traffic, by the proposed development, at an access without sightlines is a traffic hazard. Thus, the proposed development would endanger public safety by reason of traffic hazard.

Appeal to ABP

PL 06S.244270 - Orchardstown House, Washington Lane, Dublin 14.

Grant Permission

Adjacent sites:

SD05A/0564 - Lisheens, 72, Butterfield Avenue, Rathfarnham, Dublin 14.

Demolition of existing 2 storey flat roofed extension to existing house and construction of 2 no. 4 bedroom 2 storey detached houses with entrances from Butterfield Avenue, 4 no. 4 bedroom 2 storey semi-detached houses and 4 no 3-bedroom 2 storey semi-detached houses with entrances via proposed new access road off Washington Lane, car parking, landscaping and associated site works.

Grant Permission.

S01B/0150 - 2 Orchardstown House, Washington Lane, Dublin 14.

Removal of 20th Century porch at front of Grade 1 Listed Building

Grant Permission.

Relevant Enforcement History:

S8528 - Orchardstown House, Washington Lane, Rathfarnham, Dublin 14

Stage: Case Open

Non-compliance with condition 1. – Section 154 issued 8th June 2022.

1. Cease the development and discontinue the use of gable window in the north-west elevation.
2. Remove the window and close up the window opening.
3. Remove all resultant debris to an approved landfill.

Pre-Planning Consultation:

None identified on APAS for subject site.

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

Policy NCBH13: Archaeological Heritage

Manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest.

NCBH13 Objective 3: To protect and enhance sites listed in the Record of Monuments and Places and ensure that development in the vicinity of a Recorded Monument or Area of Archaeological Potential does not detract from the setting of the site, monument, feature or object and is sited and designed appropriately.

NCBH23 Objective 2: To ensure that new buildings in historic settings and Architectural Conservation Areas are appropriately designed and create a harmonious relationship with their surroundings.

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.

G12 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.

G14 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.

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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 12.5.8 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.

National Guidelines & Policy relevant to Development Management

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

The House Extension Design Guide contains the following general guidance on house extensions.

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'.*

Overlooking and loss of privacy

- *Provide frosted or opaque glass windows with restricted openings in bathrooms, halls, and stairways.*

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.*

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Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment 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, (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
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)
- SEA Sensitivity Screening

Zoning and Council Policy

A development comprising of the retention of the existing obscure glazed screen in north elevation, providing natural light to the stairwell of the existing dwelling in lieu of the approved circular window in a similar location would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan 2022-2028 and the House Extension Design Guide.

Residential and Visual Amenity

The subject screen is located on the northern elevation of the dwelling house with a ledge height of 2.5m which is higher than the boundary wall located 1.5m to the north. The boundary wall which forms part of the boundary of the overall protected structure Orchardstown House is c2.25m in height. The screen itself is c1.6m in height and 0.74m in width. The screen serves a non-habitable space of a stairway/landing space.

The parent application for the dwelling house SD14A/0150 which was permitted on appeal by ABP PL065.244270, permitted the construction of a circular window on the north elevation of the dwelling in a location similar to the location of the current screen. The permitted window did not provide any issue for the planning authority in relation to visual or residential amenity to the neighbouring property (Washington House). No note was included, or conditions added to the original permission to ensure the circular window was to be opaque or obscure.

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The submission in relation to the proximity of window to boundary under SI. No.600/2001 Planning and Development Regulations, 2001, exempted development is noted, however is not relevant to this application as the assessment of the application is not for that of exempted development, rather the retention of a screen located in a position similar to that previously permitted under Section 34 of the Planning and Development Act 2000 as amended.

Given the scale and location of the deviation from the parent application which has permission granted for a window in the same location albeit at a slightly smaller scale and shape, the screen does not serve a habitable room and is in line with guidance provided in the house extension design guide 2010 which states that in order to prevent overlooking and the loss of privacy;

'Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions:

- *Provide frosted or opaque glass windows with restricted openings in bathrooms, halls and stairways*
- *Design the extension layout so rooms that might overlook neighbouring properties are corridors / bathrooms / stairways etc.*

Along with the screen providing light to a non-habitable room (the stairway), the screen has measures in place to prevent any loss of privacy or overlooking to the neighbouring dwelling by ensuring that the screen is made from a manufactured obscure glass and is also non opening in line with the guidance provided.

Overall, the proposed retention is deemed acceptable and will not seriously injure the amenities of the area or of property in the vicinity.

Green Infrastructure

The subject application provides for no increase in the footprint of the subject house on an established suburban residential site rather the retention of an obscure glazed screen in lieu of approved circular window. The site is located close to a Primary GI Corridor: No.1 Dodder River Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

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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 retention development is located within an established residential area and comprises of the retention of an existing obscure glazed screen to the north elevation of existing dwelling.

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 retention 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 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.

SEA Sensitivity Screening

In relation to SEA screening the site is located near protected structures and monuments. A protected structure is a structure which the planning authority considers to be of special interest from an architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view. The application involves the retention of an obscure glass screen in lieu of a permitted circular window in a similar location. Due to the nature and scale of the proposal, it is considered that the proposed development would not impact on the protected structures or recorded monument in the surrounding area.

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Development Contributions

Total Assessable 0sqm

Planning Reference Number	SD22B/0398
Summary of permission granted & relevant notes:	Retain existing obscure glazed screen to the north elevation, in lieu of approved circular window in a similar location 0sqm development.
Are any exemptions applicable?	No
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	€104.87
Area of Development (m2)	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	0
Total development contribution due	€0.00

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – retention	0sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0863

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Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed retention, it is considered that, subject to the **conditions** set out below, the proposed retention 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.

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REG. REF. SD22B/0398

LOCATION: Woodley Lodge, Washington Lane, Dublin 14

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: 01/11/2022

jjohnston

**Jim Johnston,
Senior Executive Planner**