

Comhairle Chontae Atha Cliath Theas

PR/1407/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0154 **Application Date:** 31-May-2022
Submission Type: Additional **Registration Date:** 12-Oct-2022
Information

Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14

Proposed Development: Amendment to existing planning permission: change of style of the new house already granted under SD21A/0233 in the side garden to have a more traditional design and layout.

Location: 1, Killakee Park, Dublin 24, D24 W9T2

Applicant Name: Imelda and Donal Hickey

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Description:

The subject site is bounded on 3 sides by streets (Killakee Green, Killakee Park and Ballycullen Avenue). A 2-storey, semi-detached house is located towards the south of the site, which fronts west onto Killakee Park. As with other houses in this block, it backs directly onto Ballycullen Avenue to the east. The site is surrounded by numerous street trees and is situated across from a local green space.

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Site Area: 0.0335 Ha.

Proposal:

The proposed development comprises of the following:

- Amendments to previously approved SD21A/0233 (c.154.87sq.m.) for a detached 2 storey 4 bedroom dwelling inside garden
- Amendments comprise of a change of style to a more traditional design and layout and the addition of an extra bedroom providing for a 5 bedroom dwelling. It is noted SD21A/0233 has 4 bedrooms and 1 study.
- Proposed works measure c.177sq.m (as stated).
- The proposal represents an increase in floor area of c.22.13sq.m.

Zoning

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

Screening for Strategic Environmental Assessment

Overlap identified with the following relevant environmental layers in SEA screening tool.

- PFRA A 2016
- PFRA B 2016

Consultations:

Surface Water Drainage – **Additional Information** recommended.

Irish Water – **Additional Information** recommended.

Parks Department – Grant with **conditions**.

Roads Department – No objection subject to **conditions**.

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Submissions/Observations /Representations

None.

Relevant Planning History

SD21A/0233: Erection of a detached, 2 storey 4-bedroom dwelling (154.87sq.m); a new single disabled car parking space; solar PV panels (10.3sq.m); new entrance and amended drainage landscape and boundary treatment to facilitate the development.

Decision: **GRANT PERMISSION.**

It is noted permission was granted following a request for additional information.

SD20A/0298: Erection of two semi-detached two storey dwellings; one three bedroom house and one two bedroom house with adjacent two car space garage; drainage and amendments to existing landscape and boundaries.

Decision: **REFUSE PERMISSION.**

Reasons for Refusal:

(1).Section 11.3.2(ii) Corner/Side Garden Sites states that the dwelling(s) should generally be designed and sited to match the building line and respond to the roof pitch profile of adjoining dwellings. It is considered that the front building line for House B would not be acceptable as it would not be designed and sited to match the building line of adjoining dwellings and would be out of character with the established pattern of development in the area and would have a significant adverse impact on residential and visual amenity. The proposal would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022.

(2). House A & House B do not comply with the minimum private open space requirements as set out in Section 11.3.2 Residential Consolidation (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 (Table 11.20: Minimum Space Standards for Houses). To comply a two bedroom house should have a minimum of 55sq.m of adequate private open space and a three bedroom house should have a minimum of 60sq.m adequate private open space. Section 11.3.2 states that open space should be located behind the front building line of the house and be designed to provide for adequate private amenity. As private open space for House A is not located behind the front building line it is not considered to have adequate private open space and this would not comply with the provisions of the South Dublin County Council Development Plan 2016-2022. The majority of the area of private open space shown (c.32sq.m) for House B is located to the front of the dwelling and not behind the front building line so therefore cannot be counted as adequate private open space. This would not comply with the provisions of the South Dublin County Council Development Plan 2016-2022.

Thus, the proposed development constitutes overdevelopment of the site and would contravene the zoning objective 'to protect and or improve the residential amenity of the area' and would be contrary to the proper planning and development of the area.

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(3). (a) *Regarding Killakee Park, the proposed development would intensify the use of an access with reduced sightlines, increasing the risk of a traffic accident, thereby endangering public safety by reason of traffic hazard.*

(b) *Regarding Ballycullen Avenue, there is inadequate visibility at the proposed entrance. The proposed entrance would lead to increased traffic movement on this roadway which would endanger public safety by reason of a traffic hazard.*

(4). *The proposed development of House B, by reason of its height and proximity to the site boundary with the existing house would be overbearing, dominant and obtrusive when viewed from the rear garden of the existing house. Thus, the proposed development on a constrained site would constitute overdevelopment and would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.*

(5). *Having regard to the lack of information submitted in relation to both Irish Water and Surface Water Drainage requirements, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area.*

(6). *The proposed parapet and ridge heights of House A in particular being set significantly above the height of the existing house would be considered to have an adverse impact on visual amenity at this location. Section 11.3.2(ii) Corner/Side Garden Sites states that the dwelling(s) should generally be designed and sited to match the building line and respond to the roof pitch profile of adjoining dwellings. The proposal would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022.*

S99A/0739: A 4 bedroom extension along with ancillary areas to existing two-storey private dwelling for the purpose of conducting a bed and breakfast overnight accommodation.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None.

Pre-Planning Consultation

None recorded for this application.

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Relevant Policy in South Dublin County Development Plan (2016-2022)

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

1. Infill Sites

Development on infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.
- Significant site features, such as boundary treatment, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).
- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

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(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.6.1 (i) Flood Risk Assessment

Section 11.8.0 Environmental Assessment

Relevant Government Policy Ministerial Guidelines and Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

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

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

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Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

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

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Residential & Visual Amenity;
- Parks & Landscaping;
- Access & Parking
- Services & Drainage;
- Screening for Appropriate Assessment (AA);
- Screening for Environmental Impact Assessment (EIAR);

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 - 2022.

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Residential & Visual Amenity

The application proposes amendments to previously approved SD21A/0233 which was granted for a 4 bedroom detached dwelling. This current application SD22A/0154 seeks amendments comprising change of style of the dwelling in the side garden from a mainly contemporary design to a more traditional design and layout.

Internal floor area

SD21A/0233 was granted permission for an internal floor area of 154.87sq.m. This current application SD22A/0154 is seeking permission for an internal floor area of 177sq.m. This represents an increase in total internal floor area of 22.13sq.m. The internal floor area proposed would comply with Sc.11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 whereby a minimum of 110sq.m. is required for a four bedroom house (Table 11:20: Minimum Space Standards for Houses). It is the current application SD22A/0154 is for a 5 bedroom house.

New single storey element

This increase in floor area is mainly related to the introduction of a single storey rear element. The new single storey element will have a parapet roof with a parapet height of c.3.6m. It will span a width of c.9.166m and will project outwards from the main rear building line by c.4.3m. The single storey rear element will be offset by c.1m from the boundary with the immediate neighbour to the south (No. 1 Killakee Park) and will be offset by c.0.9m from the northern site boundary. There will be no undue overlooking and no undue overbearing impact on neighbouring properties in the vicinity. The single storey rear element would visually accord with the character of the area. Due to the proposed single storey rear extension, a **condition** should be imposed removing exempted development rights.

Private Open Space

The area of private open space for the proposed dwelling will be reduced as a result of the introduction of the single storey rear element. At c.75sq.m. a reasonable area of private open space will remain post completion. The private open space for the existing dwelling will not be reduced with this current application SD22A/0154. This would comply with Sc.11.3.1 Residential (iv) Dwelling Standards (Table 11.20: Minimum Space Standards for Houses) as per the SDCC Development Plan 2016-2022.

Siting & Building Lines

Previously approved SD21A/0233 was sited at a slight angle to the existing dwelling (No.1 Killakee Park) and projected c.1m beyond the main rear building line of the existing dwelling. As per SD21A/0233 the dwelling was offset by c.2.24m from the northern site boundary to the front. This current application SD22A/0154 will have a main front and rear building line that aligns with that of the existing dwelling (No. 1 Killakee Park).

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Roof Profile

This current application SD22A/0154 will have a hipped roof profile whereby the eaves height and the ridge height will align with the existing dwelling (No.1 Killakee Park). Previously permitted SD21A/0233 was finished comprised of a hipped roof with exterior parapets and an incorporated lightbox which popped up above ridge level. The exterior parapets had a height of c.6.413m and the height of the lightbox feature had a height of c.8.608m. With a change in roof profile and with a ridge height of c.7.635m this current application SD22A/0154 will have a considerably reduced height and will now be less overbearing. The change in roof profile would visually accord with the character of the area.

Changes to Elevations

The current proposal SD22A/0154 will not have any windows on ground floor or on first floor level on the southern (side) elevation and will only have windows at ground floor level on the northern (side) elevation. For this current application the main front entrance door will be setback by c.1m from the main front building line. Proposed elevational and fenestration changes are considered to integrate reasonably well with the character of the area.

Boundary Treatment

No boundary treatment details have been submitted for this application. It is considered this may be dealt with by **condition** in the event of a grant whereby the applicant shall submit clear boundary treatment details in both plan and elevation for all front, rear and all side boundaries. Proposed boundary treatment details should comply with the SDCC Development Plan 2016-2022.

Storage

The current application SD22A/0154 will have a pantry at ground floor level with an area of c.5.1sq.m. To comply with the Quality Housing for Sustainable Communities-Best Practice Guidelines a four bedroom (it is noted this is a 5 bed house) two storey 7 person house should have a minimum dedicated storage area of 6sq.m. However, the slight shortfall in storage area is considered to be minor in this instance and would be broadly acceptable.

Room sizes

All 5 no. bedrooms for the current application will be double bedrooms. To comply with Sc.11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 a double bedroom must be a minimum of 11.4sq.m. and the area of the main bedroom should be at least 13sq.m. As the smaller bedroom at first floor level on the southern elevation only measures 10.38sq.m. this would not comply with the minimum of 11.4sq.m. for a double bedroom. The double bedroom on the ground floor measures 12.25sq.m. which would also not comply with the minimum of 11.4sq.m. for a double bedroom. It is considered this may be dealt with by way of **condition** in the event of a grant whereby both of these bedrooms are revised to single bedrooms. It is noted a single bedroom must be a minimum of 7.1sq.m. to comply with Sc.11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022.

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The unobstructed living room width of 3.5m would not comply with the Quality Housing for Sustainable Communities-Best Practice Guidelines whereby 3.8m is required for a three bed house (it is noted this is a 5 bed house). However, as the single storey rear element has an unobstructed living room width of c.7.5m the proposal would be considered acceptable regarding unobstructed living room width.

Vehicular Entrance

The proposed vehicular entrance will have a width of c.5.839m. In the event of a grant this width shall be limited by **condition** to a maximum width of 3.5m to protect the existing adjacent street tree, to preserve the availability of on-street car parking and to visually accord with the character of the area. This is discussed further in the Access & Parking section of this planning report.

Parks & Landscaping

Parks have no objection subject to **conditions**. An extract taken from the Parks report states the following:

1.Landscape Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The Landscape Plan to include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020).

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

2. Sustainable Drainage System (SuDS)

No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Planning Authority.

The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Sample SuDS devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective

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Notwithstanding the Parks report it is considered that a Landscape Plan is not necessary in this instance. However, in the event of a grant some SUDS measures should be attached by **condition**.

It is noted that there is a street tree adjacent to the proposed new vehicular entrance. In the event of a grant a tree bond and tree protection measures shall be attached by **condition**.

1.Tree Bond

A tree bond of €3,000 (three thousand euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works.

*The release of the bond will be considered a minimum 12 months after the completion of all sites works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection. **CONDITION***

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

2.Protection of Street Tree in Grass Margin

*In order to ensure the protection of the existing street tree adjacent to this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas 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 area. **CONDITION***

REASON: In the interests of visual amenity and of protecting existing street trees.

Access & Parking

A report was received from the Roads Department recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Amendment to existing planning permission: change of style of the new house already granted under SD21A/0233 in the side garden to have a more traditional design and layout.

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No Roads objections subject to the following conditions:

1. *The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwelling at 1, Killakee Park, Dublin 24.*
2. *Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
3. *The boundary walls at vehicle access points and along the northern boundary shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
4. *Applicant to submit details, prior to the commencement of development, of 'no dig' method of driveway construction which should be agreed with Public Realm.*
5. *Any gates shall open inwards and not out over the public domain.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

Services & Drainage

Reports were received from both Surface Water Drainage and Irish Water recommending **Additional Information** be requested. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: **Further Information** required:*

1.1 There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

1.2 The applicant is required to submit a revised drawing showing plan and cross sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- i) At least 5m from any building, public sewer, road boundary or structure.*
- ii) Generally, not within 3m of the boundary of the adjoining property.*
- iii) Not in such a position that the ground below foundations is likely to be adversely affected.*
- iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
- v) Soakaways must include an overflow connection to the surface water drainage network.*

1.3 Include water butts in proposed development as part of SuDS (Sustainable Drainage System).

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Flood Risk

- *The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- *All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

It is considered appropriate to request the above **additional information**.

An extract taken from the Irish Water report states the following:

IW Recommendation: **Further Information** Required

1 Water

1.1 Submit a drawing showing the setback distance from proposed development to existing adjacent watermain North of site.

- Prior to the commencement of development, the applicant or developer shall enter into water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul

*2.1 Submit a drawing showing the setback distance from proposed development to **existing 225mm foul sewer North of site.***

- Prior to the commencement of development, the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate waste water facilities

It is considered appropriate to request the above **additional information**.

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.

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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

- The proposed development is for a 4-bedroom dwelling (177sq.m).
- Assessable area is 177sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – residential dwelling	177
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0335

Conclusion

Request **Additional Information** regarding Irish Water and Surface Water Drainage requirements.

Recommendation

Request additional information.

(SW)

Further information

Additional information requested: 25 July 2022

Additional information received: 12 October 2022

Consultations

Water Services: No objections, subject to conditions.

Irish Water: No objections, subject to conditions.

Adoption of the CDP 2022-2028

Since the additional information request, the CDP 2022-2028 has been adopted. The following policies are relevant to the current proposal.

CDP Maps: Whole site: Zone 'RES' Bird Hazards, Outer Horizontal Surface (Casement);

Element of site in NE corner: Approach surface (Casement)

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Chapter 3 Natural, Cultural and Built Heritage
Policy NCBH3 Natura 2000 Sites
NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure
Policy GI1 Overarching

GI1 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.

Policy GI2 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.

Policy GI4 Sustainable Drainage Systems

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.

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas
Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

Policy H13 Residential Consolidation

H13 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: *Implementation and Monitoring*.

H13 Objective 5

To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

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Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 8 Community Infrastructure and Open Space

Section 8.7.5 Quality of Public Open Space

Policy COS5 Objective 16

To ensure that parks and public open spaces are carefully designed as safe spaces, by implementing the following measures:

- Providing active frontages and maximising passive surveillance from adjacent housing and / or public thoroughfares;
- Eliminating buildings which back-on or gable-front public open spaces;
- Designing corner units with active frontage;
- Encouraging increased use through improved access and quality of facilities';
- Careful location, design and choice of surface materials and site furniture.

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Section 12.6.8 Residential Consolidation

(i) infill sites

(ii) Corner / Side Gardens

- Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:
- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;

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- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;

Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

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

Implications:

The site is zoned 'RES' and therefore the principle of a house is acceptable.

Infill sites must meet the following:

- Be guided by the Sustainable Residential Development in *Urban Areas – Guidelines for Planning Authorities* DEHLG, 2009 and the companion Urban Design Manual;
 - *The proposal complies with this.*
- A **site** analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.
 - *Proposal takes account of context.*

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- Larger sites will have more flexibility to define an independent character;
 - *N/A*
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines Sustainable Urban Housing: Design Standards for New Apartments, 2020;
 - *N/A*
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;
 - *Site features are protected.*
- Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);
 - *Height is acceptable*
- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;
 - *75sq.m POS provided. This is in line with CDP standard*
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;
 - *N/A*
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;
 - *Proposal would have no significant impacts in this regard.*

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- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;
 - *There are no negative impacts.*
- Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.
 - *N/A*

Corner sites should also meet the following:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
 - *Site is sufficient site and there is an appropriate setback*
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
 - The proposal does not provide dual frontage to the corners. A Condition is recommended seeking redesign and insertion of windows at first floor on the northern elevation.
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
 - *The building line to the front is consistent*
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
 - *N/A*
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
 - *Proposal is in keeping with character.*
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
 - *N/A*

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- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.
 - N/A

Residential Standards:

The proposal still meets all relevant requirements. It is noted that one of the bedrooms, whilst meeting the width requirements, does not meet the floorspace requirements for a double bedroom. It does, however, meet the requirement for a single bedroom. The proposal therefore provided 4 x double bedroom and 1 x single.

Green Infrastructure:

The site appears to be within / adjacent to Strategic Corridor 1 (The Dodder River) and Local Corridor L12 (Ballycullen Stream-Dodder Link). The proposal would not have any direct impact on these features. It is noted that Parks have proposed a number of conditions surrounding SuDS, street trees and GI. Subject to these conditions, the proposal is considered to be in keeping with GI1 Objective 4, GI4 Objective 1, GI2 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.

Assessment:

Item 1:

- (a). There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is requested to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- (b). The applicant is requested to submit a revised drawing showing plan and cross sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i) At least 5m from any building, public sewer, road boundary or structure.
 - ii) Generally, not within 3m of the boundary of the adjoining property.
 - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v) Soakaways must include an overflow connection to the surface water drainage network.
- (c). Include water butts in proposed development as part of SuDS (Sustainable Drainage System).
- (d). The applicant is requested to submit a drawing showing the setback distance from proposed development to existing adjacent watermain North of site.

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(e). The applicant is requested to submit a drawing showing the setback distance from proposed development to existing 225mm foul sewer North of site.

Applicant's response:

See percolation test and revised layout drawings.

Assessment:

Water Services has raised no objections, subject to conditions.

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

New dwelling – 177sq.m

Assessable area = 177sq.m

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Planning Reference Number	SD22A/0154
Summary of permission granted & relevant notes:	1 Dwelling
Are any exemptions applicable?	No
If yes, please specify:	
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)	177
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	177
Total development contribution due	€18,494.73

SEA Monitoring

Building use type proposed: alterations to access

Floor Area: 177sq.m

Land type: Brownfield

Site Area: 0.335 Hectares.

Conclusion

Having regard to the information submitted, the consultee reports and the CDP 2022-2028, the proposed development is considered acceptable and in compliance with Council policy and in keeping 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 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.

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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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application as amended by further information submitted on 12th October 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. Amendments.
Prior to the commencement of development 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) Windows at first floor on the northern elevation.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Restriction on Use.
The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.
REASON: To prevent unauthorised development.
4. Drainage - Irish Water.
 - (i). All works for this development shall comply with the requirements of the BRE Digest 365 standards.
 - (ii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
 - (iii) The applicant shall include water butts in proposed development as part of SuDS (Sustainable Drainage System).
 - (iv). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.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.

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5. Irish Water Connection Agreement.
Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.
REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
6. Roads Requirements
 - (i) The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwelling at 1, Kilakee Park, Dublin 24.
 - (ii) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
 - (iii) The boundary walls at vehicle access points and along the northern boundary shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
 - (iv) Applicant to submit details, prior to the commencement of development, of 'no dig' method of driveway construction which should be agreed with Public Realm.
 - (v) Any gates shall open inwards and not out over the public domain.REASON: In the interest of proper planning and sustainable development.
7. Tree Bond
Prior to the commencement of development, a tree bond of €3,000 (three thousand euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works..
The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.
REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.
8. Protection of Street Tree in Grass Margin.
Prior to the commencement of development, suitable tree protection fencing shall be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas 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 area.
REASON: In the interests of visual amenity and of protecting existing street trees.

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9. Boundary Treatment.

Prior to commencement of development the applicant shall submit to the Planning Authority for written approval clear boundary treatment details in both plan and elevation for all front, rear and all side boundaries. Proposed boundary treatment details shall comply with the SDCC Development Plan 2022-2028.

REASON: In the interest of proper planning and sustainable development.

10. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

11. 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.

12. 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

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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.

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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

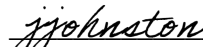
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REG. REF. SD22A/0154

LOCATION: 1, Kilakee Park, Dublin 24, D24 W9T2



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: 08/11/22



Gormla O'Corrain,
Senior Planner