

# Comhairle Chontae Atha Cliath Theas

**PR/1411/22**

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

**Reg. Reference:** SD22B/0412      **Application Date:** 15-Sep-2022  
**Submission Type:** New Application      **Registration Date:** 15-Sep-2022  
**Correspondence Name and Address:** Watson Fitzpatrick & Associates 98, Woodlawn Park Grove, Firhouse, Dublin 24  
**Proposed Development:** Extension to rear.  
**Location:** 7, Turnpike Road, Ballymount, Dublin 22.  
**Applicant Name:** Tony & Teresa Duffy  
**Application Type:** Permission

(EW)

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

Site Area: as stated 0.105 Hectares.

#### **Site Description:**

The subject semi-detached cottage dwelling is located on the western edge of Turnpike Road with a pitched roof. The dwelling has been previously extended to the rear and there is also a large garage incorporating a commercial workshop located to the rear of the subject site which is accessed via a driveway directly to the north of the house. The surrounding context is generally characterized by industrial and commercial developments. Rear development is noted on the surrounding large sites at this location.

#### **Proposal:**

The proposal for permission consists of the following:

- Extension to rear.

#### **Zoning:**

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

#### **Consultations**

*Water Services* – No report received, subject to standard conditions.  
*Irish Water* – No report received, subject to standard conditions.  
*Roads* – No objections or recommendations.  
*Parks* - No objections or recommendations.

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### **SEA Sensitivity Screening**

No overlap with relevant layers.

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

None received.

### **Recent Relevant Planning History**

SD17B/0093/EP – **Refuse Permission** for Extension to rear.

Reason:

- The criteria set down in Section 42 of the Planning and Development Act, 2000, as amended, are not met in this instance, and the Planning Authority therefore cannot grant permission for an extension of duration of permission. In each case the Planning and Development Act 2000 (as amended) sets out as necessary criteria that substantial works must have taken place.

SD17B/0093 - **Permission Granted** to Extension to rear.

SD06A/0817 – **Permission Granted** to Change of use of existing detached single storey 70sq.m. garage to incorporate new single storey extension to give a total 138sq.m. commercial use workshop to rear.

S00B/0621 - **Permission granted** to retain elevation treatment to the cottage.

S97B/0431 - **Permission granted** for the construction of a domestic garage

S94A/0590 - **Permission granted** for a single storey extension to rear and side with alterations to existing house, new entrance driveway and new workshop to rear of site.

Following a third party appeal, An Bord Pleanála made a split decision:

- (a) to grant permission for the erection of extension to the side and rear.
- (b) to refuse permission for the entrance driveway and workshop.

### **Recent Relevant Enforcement History**

No recent relevant enforcement history recorded for subject site

### **Pre-Planning Consultation**

None recorded for subject site.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

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,

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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 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.

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### National Guidelines & Policy relevant to Development Management in SDCC

#### 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).

**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).

#### *Zoning and Council Policy*

A development comprising of a rear extension is 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 South Dublin House Extension Design Guide.

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### ***Residential & Visual Amenity***

#### **Rear Extension**

The proposed single-storey rear extension projects 2m from the rear (northern) building line and 5.2m from the rear (southern) building line and would be located abut with the shared boundary of the neighbouring property to the south side of the site No. 8 Turnpike Road. It is considered the 33 sq.m hipped roof proposal with a ridge level of 4.4m would not be significantly injurious to the amenities of the adjacent properties north or south of the site. The applicant has created an internal courtyard with an existing extension that displaces a singular large roof and instead has created a horseshoe-shaped extension with a lesser impact. It is noted that the adjacent site No.8 Turnpike Road, which shares the boundary wall to the southern side of the site, already has several rear outbuilding structures in the back garden. The proposed extension shall not affect any habitable rooms in the main dwelling of No.8.

The pattern of development in the area has a prevalence of rear extensions. No undue issues of overshadowing are envisaged. The minimum private open space requirement is comfortably achieved for the subject house and is considered sufficient residential amenities for future occupants. It, therefore, would be consistent with the Development Plan provisions and in accordance with the guidance set out in Section 4, 'Rear Extensions' of the South Dublin County Council House Extension Design Guide (2010) and a grant of permission is recommended.

#### **Green Infrastructure**

An existing soak pit is noted in the rear garden. The rear garden has 3 notable rear outbuilding structures but is indicated to continue to be grassed. A condition can be attached to agree any necessary SUDs measures.

The proposal does not impact a Primary GI Corridor or Secondary GI Link 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).

Having regard to the extent of private amenity grassland retained, the scale of the footprint increases and the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

#### **Services & Drainage**

Regarding surface water drainage/ flood risk and Irish Water. Reports have not been submitted; however, it is deemed that standard conditions can be obtained by **condition**.

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### Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is in an established residential area. The development comprises rear extension.

Having regard to:

- the small residential scale of the development,
- the location of the development in an established 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.

### *Environmental Impact Assessment*

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.

### Development Contributions

<b>Planning Reference Number</b>	SD22B/0412
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Rear Extension – 33.sqm. 41sq/m in previous extension.
<b>Are any exemptions applicable?</b>	No
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	33
<b>Amount of Floor area, if any, exempt (m2)</b>	Used already
<b>Total area to which development contribution applies (m2)</b>	0
<b>Total development contribution due</b>	€3,448.17

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### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development 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. It is considered that the proposed extension would be in compliance with Council policy in relation to extensions to dwelling houses.

### **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.

### **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, 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. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.  
(b) Restriction on Use.  
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

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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) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

(d) Minimise Air Blown Dust.

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

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

(e) Construction Noise and Hours.

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

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

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

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints



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- 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. The disposal of surface water shall accord with the requirements of the Planning Authority as follows:
  - (a) The surface water generated by the development (roof and pavements) shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar. There shall be no overflow to the public network. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and shall have no impact on neighbouring properties.
  - (b) If the applicant does not consider a soakpit a feasible solution, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for the written agreement of the Planning Authority thereafter for build-out
  - (c) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath.

REASON: In accordance with GI4 Objective 1 of the County Development Plan 2022-2028 and the South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022

4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3,448.17 (Three thousand, four hundred and forty eight euro and seventeen cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local

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Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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: 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.

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**REG. REF. SD22B/0412**

**LOCATION: 7, Turnpike Road, Ballymount, Dublin 22.**



**Deirdre Kirwan,  
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:** 09/11/22



**Gormla O'Corrain,  
Senior Planner**