

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

**Reg. Reference:** SD22B/0383      **Application Date:** 29-Aug-2022  
**Submission Type:** Additional      **Registration Date:** 02-Nov-2022  
Information

**Correspondence Name and Address:** John Flanagan 42, Nova Court, Carrigaline, Co. Cork  
**Proposed Development:** Front entrance porch.  
**Location:** 32, Bancroft Park, Dublin 24  
**Applicant Name:** John Flanagan  
**Application Type:** Retention

(AOCM)

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

Site Area: area not included on application form.

### Site Description:

The application site contains a two storey, semi-detached house, located on Bancroft Park. The surrounding area is residential in nature.

Site Visited: 12/10/2022

### **Proposal:**

**Retention permission** is sought for the following:

- Front entrance porch (3.8 sq.m)

### **Zoning:**

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

### **Consultations:**

Water Services – No report received at time of writing (12/10/22)

Irish Water – No report received at time of writing (12/10/22)

### **SEA Sensitivity Screening**

SEA monitoring indicates no overlap with relevant sensitive environmental layers

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

Submission expiry date – 3 October 2022

No submissions or observations received.

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

### **Relevant Planning History**

None recorded for subject site.

### **Relevant Enforcement History**

None 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*

*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.*

*Section 4.2.1 Biodiversity*

*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.*

*Section 4.2.2 Sustainable Water Management*

*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.*

*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).*

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

*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 12.6.8 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.*

### **Relevant Government Policy & Guidelines**

***Project Ireland 2040 National Planning Framework, Government of Ireland, 2018***

***Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.***

***Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).***

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

***Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG, 2009.***

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council Policy
- Interest in the Property
- Residential and Visual Amenity
- Green Infrastructure
- Water Supply and Wastewater
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Policy**

**South Dublin County Development Plan 2022 - 2028**

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity'. Residential development (extension) is permitted in principle under this zoning objective, subject to assessment against the relevant policies, objectives and standards set out under the current Plan.

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

### **Interest in the Property**

On the application form the applicant has marked 'other' for question 10 relating to their legal interest in the land or structure. The explanation of this status is given as '*executor and joint owner of the property*'. It is not clear from this statement whether the applicant has the ability to submit the application without a letter of consent from other joint owners, or a solicitor confirming the exact current legal interest in the site. This should be established by additional information to ensure that the applicant is entitled to submit the application in lieu of any letters of consent, either from other owners or a solicitor.

### **Residential and Visual Amenity**

A semi-hipped roof porch extension has been constructed to the side of the original protruding garage, which would formerly have had a flat roof. The revised roof profile reaches a maximum height of approximately 3.5m. The porch matches the building line created by the garage and does not severely impact the length of the driveway. The porch is largely glazed, with brick work matching the façade of the original dwelling.

The roof profile of the porch correlates with the roof profile of the garage, however, is incongruous when viewed in relation to the flat roof garage and entrance canopy of the adjoining dwelling. The assessment of this application however is limited to the porch extension, which is consistent with other similar works along Bancroft Park. In this regard the works are considered acceptable.

### **Green Infrastructure**

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link, as per Figure 4.4 of the County Development Plan 2022 – 2028. Given the size of the porch, 3.8 sq.m, it is not considered that there is likely to have been any significant impact on existing green infrastructure at the site, and mitigation for the additional area of hardstanding is not required.

### **Water Supply and Wastewater**

From a review of Irish Water maps, it does not appear that there would be any impact to, or conflict with, existing Irish Water infrastructure in the area.

### **Screening for Appropriate Assessment**

The subject site is not located within nor within close proximity to a European site. The proposed development is on Bancroft Park, an established residential area. The development comprises retention of a front porch.

Having regard to:

- the small residential scale of the development,

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

- 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 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.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that the development would be acceptable. However, the Planning Authority is not satisfied that the applicant has provided sufficient information in relation to their legal interest in the property, and it is not clear whether letters of consent from other owners, or confirmation of legal interest from a solicitor is required. The applicant should be requested to confirm this by **additional information**.

### **Recommendation**

Request Further Information.

### **Further Information**

Further Information was requested on 24/10/22

Further Information was received on 02/11/22

### **Consultations**

No reports required.

### **Submissions/Observations**

No further submissions/observations received.

### **Assessment of Further Information**

The Further Information requested was as follows:

1. *From the applicant's response to question 10 on the application form, it is not clear exactly what their legal interest in the site is. The Planning Authority must be satisfied that the applicant has sufficient legal interest in a site, or relevant consent, prior to reaching a*

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

*decision on an application. The applicant has stated that they are the 'executor and joint owner of the property'. It is not clear from this at what stage of probate the site is in, and whether confirmation from a solicitor is required to allow the application to be made, or if other interested parties should have provided consent for the application. The applicant is therefore requested to provide additional information, confirming their legal interest. The applicant must confirm any other parties with an interest in the property, and provide letters of consent from other owners, or confirmation from a solicitor about the status of the property and consent to making the current application.*

### Assessment

The applicant has submitted a cover letter, probate grant and letters of consent from the other persons with a legal interest in the property. The probate grant confirms the applicant is responsible for the administration of the estate, including the property. The applicant has a joint legal interest in the house and letters of consent from the 3 other owners confirms their consent for the application being made. The Planning Authority is therefore satisfied that the applicant has sufficient legal interest in the property, and consent from other interested parties, and this application is therefore considered valid in this regard.

### Conclusion

The development subject to conditions, is considered to be consistent with the zoning objective 'RES' – 'To protect and/or improve residential amenity', and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

### Other Considerations

#### **Development Contributions**

<b>Planning Reference Number</b>	SD22B/0383
<b>Summary of permission granted &amp; relevant notes:</b>	Retention of porch 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>	3.8
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	3.8
<b>Total development contribution due</b>	€397.06

### **SEA Monitoring Information**

Building Use Type Proposed:

Residential extension

# Comhairle Chontae Atha Cliath Theas

**PR/1459/22**

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

Floor Area:	3.8 sq.m
Land Type:	Urban Consolidation
Site Area:	Not stated

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to 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 proposal would be consistent 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 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 fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Financial Contribution.  
The developer shall pay to the Planning Authority a financial contribution of €397.06 (three hundred and ninety seven euro and six cents), 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

# **Comhairle Chontae Atha Cliath Theas**

**PR/1459/22**

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

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 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.

**Comhairle Chontae Atha Cliath Theas**

**PR/1459/22**

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

**REG. REF. SD22B/0383**  
**LOCATION: 32, Bancroft Park, Dublin 24**

  
\_\_\_\_\_  
**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 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:** 18/11/22

  
\_\_\_\_\_  
**Gormla O'Corrain,**  
**Senior Planner**