

Comhairle Chontae Atha Cliath Theas

PR/1483/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0435 **Application Date:** 04-Oct-2022
Submission Type: New Application **Registration Date:** 04-Oct-2022
Correspondence Name and Address: Mr. Jason Walsh, Architectural and Engineering Services 12, Ard Mor Crescent, Tallaght, Dublin 24
Proposed Development: Retention permission for two shed structures located in the rear garden and all associated site works.
Location: 99 Boot Road, Clondalkin, Dublin 22.
Applicant Name: Martina Lennon
Application Type: Retention

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0117ha on the application form.
Site Visit: 23rd of November 2022.

Site Description

The subject site is located on Boot Road within an existing housing estate. The site comprises of a two storey, terraced dwelling. There are existing structures to the rear including the sheds proposed for retention. At the end of the property, and outside the subject site boundary, is an existing single storey structure, which has permission for conversion into a dwelling, accessed from Brideswell Lane/Lilliput Lane. The adjoining and surrounding sites also have structures at the rear, accessible from Brideswell Lane/Lilliput Lane, including some in commercial use. The surrounding housing is of a similar form and character to the house onsite.

Proposal

Permission is being sought for **retention permission** for two shed structures located in the rear garden and all associated site works.

Zoning

The subject site is zoned 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2022-2028.

Consultations

Water Services	No report received at the time of writing this report.
Roads Department	No objections.
Public Realm	No report received at the time of writing this report.

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SEA Sensitivity Screening – the site overlaps with the following layers:

- Aviation related layers Bird Hazards, Outer Horizontal Surface for Dublin and Inner Horizontal Surface for Casement.
- Rear of the site overlaps the Zone of Archaeological Potential established around an ancient road of archaeological interest, record monument DU021-016.

Submissions/Observations /Representations

1 no. third party submission was received and is summarised as follows:

- Impact on the adjoining site
- Takes all the light out of the garden in No. 99, blocks the light at No. 98
- Over maximum exemption rules, exceeds 25 sq.m
- Tall and out of character

This submission has been reviewed in full and taken into consideration in the assessment of this application.

Relevant Planning History

Subject site (front part of the site at No. 99 Boot Road)

None identified.

Rear part of site at No. 99 Boot Road

SD19A/0385 & ABP Ref. ABP-306855-20

Conversion of an existing single storey structure into a two bed mews dwelling with one reception room; kitchen/dining area; bathroom; rear garden with all associated site works; existing structure will be given a new pitched roof; parking will utilise the existing three spaces off Brideswell Lane. **Permission refused by SDCC. First party appeal against decision to ABP. ABP decided to grant permission.**

SD03A/0450

Retention of a single storey extension which will include a reduction in its current length of four meters all to the rear of an existing single storey workshop. **Retention permission refused as, by reason of noise, emission, general disturbance associated with the commercial operation and visual intrusion would be contrary to RES zoning.**

S01A/0770 & ABP Ref. PL06S.1280707

Retention of single storey extension to the rear of an existing single storey workshop. **Permission refused by SDCC and ABP.**

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Relevant Enforcement History

Enforcement Ref. S8896

Alleged structure in rear garden which is not exempt. File opened March 2022. Active.

Enforcement Ref. S376

Structure being built without planning permission, will cause traffic congestion. Closed as notice complied with.

Pre-Planning Consultation

None identified in APAS.

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

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.

Policy QDP7: High Quality Design – Development General

Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures

Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

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Policy H11: Privacy and Security

Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H14: Residential Extensions

Support the extension of existing dwellings subject to the protection of residential and visual amenities.

H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy E3: Energy Performance in Existing and New Buildings

Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5 Quality Design and Healthy Placemaking

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.6 Housing - Residential Development

12.6.7 Residential Standards

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.

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.11.1 Water Management

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South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions.

Elements of Good Extension Design

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

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

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

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

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Access and Parking;
- Green Infrastructure,
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is located within zoning objective 'RES': '*To protect and/or improve residential amenity.*' The proposal is for the retention of 2 no. sheds structures. The principle of these types

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of structures is acceptable within the RES zoning, subject to being ancillary to the residential use.

Visual and Residential Amenity

The proposal is for the **retention** of 2 no. structures to the rear of the existing dwelling. These are single storey shed structures. The steel shed structure is approx. 7.6sq.m GFA in size and 2.53m in overall height. This structure is located along the southern side boundary of the site. It is approx. 9.6m from the existing dwelling. The rendered concrete block shed is approx. 20.1sq.m GFA in size and 2.85m in overall height. This structure is located at the rear of the subject site, however, not the rear of the overall site at No. 99 Boot Road. The materials and finishes, including render and steel, match or complement the existing dwelling.

There is an extant planning permission for the conversion of the existing garage at the rear of the overall property at No. 99 into a two storey dwelling (SD19A/0385 & ABP Ref. ABP-306855-20). The concrete block shed for retention adjoins what would be the rear boundary of the permitted site for this dwelling. It is noted that based on a site visit on the 23rd of November 2022, this dwelling is not built nor under construction. A pedestrian gate to the side of the shed is shown, providing access between the site of the existing dwelling at No. 99 and the permitted rear dwelling.

Sufficient rear amenity space in compliance with the minimum standards of the 2022-2028 CDP would be retained for the existing dwelling (including when the site of the permitted dwelling is excluded). The concrete block shed would extend approx. 5.8m along what would be the rear boundary of the permitted rear dwelling. However, given the height and design of the structure it is not considered this would have an undue impact on the amenity of this dwelling and its rear amenity space if the dwelling was constructed. Given the location, scale and design of the structures, it is not considered that they would have an unacceptable impact on surrounding residential or visual amenity.

The use of the structures has not been indicated. The structures shall be retained for ancillary use only and shall not be used for habitation or any other purpose. A **condition** shall also be attached to this effect.

Planning Note: The site boundary (red line) on the submitted 1:1,000 Site Location Map does not match the site boundary on the Existing Site Plan Drawing No. ML-22-01. A corrected Site Location Map should be submitted by way of **condition** for completeness.

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Green Infrastructure

Having regard to the location, minor nature and scale of the development it is considered to be in accordance with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028.

Access and Parking

No changes to access or parking proposed. The Roads Department have advised that they have no objections.

Infrastructure and Environmental Services

No reports were received from Water Services and Irish Water. Nevertheless, the proposed development does not include any changes to services.

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

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the retention of 2 no. shed structures.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development, 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.

Development Contributions

Retention of non-habitable shed structures

SEA monitoring

Building Use Type Proposed: Shed structures

Floor Area: 27sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0117 Hectares.

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Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the minor nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.

The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application save as may be required by other conditions attached hereto.

REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.

2. Restriction on Use of the Sheds.

The sheds shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

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development of the area.

3. Drawing

The applicant shall submit a revised site layout plan showing the correct site (red line) boundary for the development.

REASON: For completeness and to comply with the Planning and Development Regulations 2001, as amended.

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.

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REG. REF. SD22B/0435

LOCATION: 99 Boot Road, Clondalkin, 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 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: 25/11/22



**Gormla O'Corrain,
Senior Planner**