

# Comhairle Chontae Atha Cliath Theas

**PR/1504/22**

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

**Reg. Reference:** SD22B/0438      **Application Date:** 11-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 11-Oct-2022  
**Correspondence Name and Address:** Matthew Fagan 229, Clonliffe Road, Drumcondra, Dublin 3  
**Proposed Development:** Construction of a dormer window in the main roof to the rear of the property as well as the construction of a porch to the front of the property.  
**Location:** 17, Rossberry Lane, Lucan, Co. Dublin  
**Applicant Name:** Muhammad Siddique  
**Application Type:** Permission

(CS)

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

Site Area: Stated as 0.02366 Hectares.

#### Site Description:

The subject site is located in Rossberry Lane in Lucan. The subject dwelling is a two-storey, semi-detached dwelling with a 'Dutch' hip roof profile and with bay window and canopy to the front. There is an 'L' shaped extension to the rear and a roofed structure to the side. There is also a shed to the rear. The street is characterised by other similar residential dwellings with a mainly uniform building line.

### **Proposal:**

The proposed development consists of the following:

- Rear dormer attic conversion for storage (non-habitable).
- Front porch extension (4.1sq.m).
- Proposed works measure c.14.5sq.m.

### **Zoning:**

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

### **Consultations:**

*Surface Water Drainage* – No report received

*Irish Water* – No report received

### ***SEA Sensitivity Screening***

No overlap identified with environmental layers.

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

One objection was received. Concerns raised relate to the following:

- Existing and proposed floor plans may not be factually correct.
- There is a roofed structure to the side not shown.
- There is an additional structure to the rear not shown.
- Overdevelopment of the site considering the quantity of existing extensions.
- Out of character with neighbouring properties in the vicinity.
- Infringe on a right to privacy.
- No other properties in the vicinity has a front porch like the proposed porch and so the proposed porch would be out of character.
- Decreasing car park space in front of the property would result in an increase in traffic parking on the public road off curtilage.
- Set an undesirable precedent.
- Seriously injure the residential amenity of the area.
- Be contrary to the 'RES' zoning objective for the area.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development.

### **Relevant Planning History:**

None recorder for subject site.

### **Relevant Enforcement History:**

S9023: Live case remains open.

### **Pre-Planning Consultation:**

No pre-planning consultation recorded.

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

*Section 6.8.2 Residential Extensions*

*Policy H14 Residential Extensions*

- It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

*Policy 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).

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*Section 12.5.3 Density and Building Heights*

*Section 12.6 Housing – Residential Development*

*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.

*Section 12.6.7 Residential Standards*

*Section 6.7.5 Privacy and Security*

*Section 6.7.4 Internal Residential Accommodation*

*Section 12.10.1 Energy Performance in New Buildings*

*Section 12.3.2 Appropriate Assessment*

*Section 12.3.3 Environmental Impact Assessment*

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

*Attic conversions and dormer windows:*

- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Relate dormer windows to the windows and doors below in alignment, proportion, and character.

*Overlooking and loss of privacy:*

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

***South Dublin County Council House Extension Design Guide (2010)***

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

- *Respect the appearance and character of the area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties;*
- *Conserve water and save energy where possible.*

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### *For attic conversions and dormer windows:*

- *Use materials to match the existing wall or roof materials of the main house;*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape;*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch;*
- *Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);*
- *Relate dormer windows to the windows below in alignment, proportion and character;*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*

### **Relevant Government Guidelines**

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

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

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

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

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

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

### **Assessment**

The main issues for assessment relate to:

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

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### *Zoning and Council Policy*

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'. The development of an extension to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the 2022-2028 South Dublin County Council Development Plan and the House Extension Design Guide.

### *Residential & Visual Amenity*

#### *Rear Dormer*

The non-habitable rear dormer will be inset from both sides and will project outwards from the roof of the existing dwelling by c.3m and will span a width of c.4.5m. The dormer will be set appropriately above the eaves and below the ridge of the existing dwelling. This would comply with the SDCC House Extension Design Guide 2010, and the rear dormer would integrate reasonably well with the character of the existing dwelling and with the character of the area. There will be no undue overlooking.

The rear elevation shows the rear dormer set back a minimum of 3 tile courses off the gutter, yet the side elevation shows the back wall of the dormer almost on top of the back wall of the dwelling. It is not acceptable to have the rear wall of the dormer coming off the rear wall of the dwelling. There must be an inset of min 3 tile courses.

The footprint of the attached dwelling is incorrect by showing its front building line further out than that of the dwelling on the application site, when in fact both front building lines are in line. Revised consistent drawings should be required by **condition**.

#### *Front Porch*

The front porch extension will project outwards from the main front building line by c.2m and will span a width of c.3m and will measure an internal floor area of 4.1sq.m. (as stated). It will have a pitched roof over with a ridge height of c.3.9m and with an eaves height of c.2.6m. To comply with the SDCC House Extension Design Guide 2010 front extensions should be limited to a projection of 1.5m from the main front building line. A **condition** limiting the depth of extension to 1.5m should be imposed.

### *Services & Drainage*

Both Irish Water and Surface Water Drainage have not issued any reports to date. Notwithstanding this it is considered appropriate to attach standard drainage **conditions** in the event of a grant.

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### ***Screening for Appropriate Assessment (AA)***

The subject site is not located within nor within close proximity to a European site. The proposed 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.

### ***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***

- Development subject of this application for non-habitable rear dormer (10.4sq.m.) and front porch (4.1sq.m) extension is 14.5sq.m. as stated.
- Previous single storey rear extension measures c.27.33sq.m.
- 12.67sq.m. exemption remains.
- Assessable area is nil.

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### Development Contributions

<b>Planning Reference Number</b>	SD22B/0438 non-habitable rear dormer & front extension
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Extension – 14.5sq.m.
<b>Are any exemptions applicable?</b>	Yes
<b>If yes, please specify:</b>	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
<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>	4.1
<b>Amount of Floor area, if any, exempt (m2)</b>	12.67
<b>Total area to which development contribution applies (m2)</b>	0
<b>Total development contribution due</b>	€0.00

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential –non-habitable attic conversion	14.5sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.02366

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### **Conclusion:**

Having regard to the:

- provisions of the South Dublin County Council Development Plan 2022-2028;
- the 'RES' zoning objective;
- 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.

### **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.
  - a) 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.
  - b) The rear elevation shows the rear dormer set back a minimum of 3 tile courses off the gutter yet the side elevation shows the back wall of the dormer almost on top of the back wall of the dwelling. It is not acceptable to have the rear wall of the dormer coming off the rear wall of the dwelling. There must be an inset of minimum 3 tile courses from the gutter.

The footprint of the attached dwelling is incorrect by showing its front building line further out than that of the dwelling on the application site, when in fact both front building lines are in line.

Prior to the commencement of development revised consistent drawings accordingly shall be submitted to the Planning Authority for written agreement.



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REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained and to ensure consistent drawings.

### **2. Front Porch**

(a) the maximum projection of the front porch shall be 1.5m (as measured from the first floor front building line).

Reason: in the interest of visual amenity and to protect residential amenity.

(b) 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.

(c) 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.

REASON: To prevent unauthorised development.

(d) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) 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.

(e) 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.

(f) 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

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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
- 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 is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

**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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NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.


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REG. REF. SD22B/0438

LOCATION: 17, Rossberry Lane, Lucan, Co. Dublin

  
\_\_\_\_\_  
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: 28/11/22\_\_\_\_\_

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