

Comhairle Chontae Atha Cliath Theas

PR/1496/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0441 **Application Date:** 04-Oct-2022
Submission Type: New Application **Registration Date:** 04-Oct-2022
Correspondence Name and Address: Michael O Connor 18, Lissadel Wood, Malahide, Co. Dublin
Proposed Development: 2 storey two bedroom family flat to the west facing side over existing garage. Alterations to existing garage elevation and all associated site works.
Location: 279, Orwell Park Grove, Dublin 6w
Applicant Name: Hugh Feighery
Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 361.9sq.m (0.03619ha) on the application form.
Site Visit: 26th of October 2022.

Site Description

The subject site is located on Orwell Park Grove within an existing housing estate in Templeogue. The site is located on a corner site. It is accessed from Orwell Park Grove. It adjoins open space to the east and there is a footpath along the outside of the eastern boundary connecting Orwell Park Grove, the open space and Orwell Park Lawns. Adjoining the rear of the site is Orwell Park Lawns.

The site comprises of a two storey, detached dwelling. The existing dwelling is similar in form and design to the dwelling at No. 280 Orwell Park Grove. These dwellings are different in form to the dominant form along Orwell Park Grove and the immediate area, they are detached as opposed to semi-detached.

Proposal

Permission is being sought for the construction of 2 story two bedroom **family flat** to the west facing side over existing garage. Alterations to existing garage elevation 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.

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Consultations

Water Services	No report received at the time of writing this report.
Irish Water	No report received at the time of writing this report.
Roads Department	No objections subject to conditions.
Public Realm	No comments/conditions to add.

SEA Sensitivity Screening – the site overlaps with aviation related layers Bird Hazards and Outer Horizontal Surface for Casement and Dublin.

Submissions/Observations /Representations

Submissions closed 7th of November 2022. No third party submissions received.

Relevant Planning History

SD21B/0618 & ABP Ref. PL06S.314537

Two storey, one bedroom family flat to the side; alterations to existing garage elevation; pedestrian access gate to the side garden wall; all associated site works. **Permission refused by SDCC. First party appeal to ABP currently under consideration.**

Relevant Enforcement History

None identified in APAS.

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

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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.

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 H15: Family Flats

Support family flat development subject to the protection of residential and visual amenities.

H15 Objective 1:

To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.

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.

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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.

Family Flats

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed, or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*

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, including front, side, rear, and dormer 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:

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

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Planning History

A planning application for a two storey, one bedroom family flat to the side, alterations to existing garage elevation, and pedestrian access gate to the side garden wall was refused by SDCC under Reg. Ref. SD21B/0618. The reason for refusal was:

The applicant has failed to provide the required setback distance of three meters from proposed development and the existing surface water sewer and watermain. The proposal would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

This application currently has a first party appeal against the decision with An Bord Pleanála for consideration, ABP Ref. PL06S.314537 refers. The new proposal would not extend the existing house to the east. The proposed extensions would be well setback from the existing surface water sewer and watermain. It is therefore considered that this reason for refusal has been overcome.

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 construction of extensions to an existing house to provide for a family flat. Family flats are permissible in principle under the RES zoning objective, subject to their being in accordance with criteria for family flats outlined under Section 12.6.8 of the South Dublin County Development Plan 2022-2028 and the provisions of the South Dublin County Council House Extension Design Guide 2010.

Under Section 12.6.8 of the CDP the following criteria applies to family flats:

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat;*

No information provided demonstrating why a family flat is being applied for. **Additional information should be requested.**

- *The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*

The proposed family flat would not exceed 50% of the floor area of the existing dwelling.

- *The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*

The family flat would be accessed from within the main dwelling. An assessment of the proposal against the design criteria for dwelling extensions is in the following section.

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- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;

External doors include an existing front door and doors to the rear of the dwelling to the private open space. This is considered to be acceptable.

- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed, or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

A **condition** should be attached to this effect in the event of a grant of permission. The family flat is well incorporated into the house, so that it can easily be incorporated into the house should it no longer be needed in the future.

Visual and Residential Amenity

The proposed development would involve the conversion of the existing garage and extensions to the front, side, and rear of the dwelling to provide for a family flat. At ground floor the dwelling would be extended to the rear in the south-west, along the side boundary with No. 280 Orwell Park Grove. The extension would extend approx. 7.1m to the rear, however, approx. 5.8m from the main rear building line of the dwelling. The rear extension is largely limited to single storey and would be approx. 3.1m in height.

At first floor the extension would extend to the side of the house over the existing garage. It would also project to the front and rear of the dwelling. It would extend approx. 1.8m to the front and align with the ground floor element. The first floor extension would also extend approx. 1.0m to the rear.

The proposed bedrooms would meet the minimum floorspace requirements for a single bedroom and for a double bedroom under the CDP and Quality Housing Guidelines 2007. The existing garage would be converted, and the garage door replaced with a new window. This is considered to be acceptable. Sufficient rear amenity space would remain.

The hipped roof would be extended across the extension. The first floor extension to the front would also have a hipped roof. This is inkeeping with the existing hipped roof of the dwelling and surrounding residential development. The ground floor and first floor extensions to the rear would have flat roofs. Given the scale and location of the flat roof elements, it would not be visually dominant when viewed from the streetscape and surrounding area.

Given the scale and design of the extensions it is not considered that the proposal would result in any undue impact on residential amenity. There would be no undue overlooking nor significant overbearing impact. The design and form of the extensions would complement the existing dwelling. The proposed materials and finishes have not been specified. However, the proposed

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extension would appear to match or complement the existing dwelling. A **condition** should be included in the event of a grant of permission to secure this.

In summary, the proposed development is considered to generally comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 and has an acceptable impact in terms of residential and visual amenity.

Green Infrastructure

Having regard to the location, 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 stated that they have no objections subject to conditions. This includes heights of boundaries at access, access width, gates, vehicle direction and entrance apron. Given that no changes are proposed to the access, these conditions are not considered necessary to attach to a grant of permission.

Infrastructure and Environmental Services

No reports were received from Water Services and Irish Water. Standard conditions, including in relation to surface water and Sustainable Drainage Systems (SuDS), should be attached in the event of a grant of permission.

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 a family flat and associated works.

Having regard to:

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

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- 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.

Conclusion

Policy H15 Objective 1 of the South Dublin County Development Plan 2022-2028 states to favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members. In accordance with this objective, and Section 12.6.8 of the CDP, the applicant should be requested to demonstrate that there is a genuine need for the family flat. **This information should be requested by way of additional information.**

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Policy H15 Objective 1 of the South Dublin County Development Plan 2022-2028 states to favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members. In accordance with this objective, and Section 12.6.8 of the CDP, the applicant is requested to demonstrate that there is a genuine need for the family flat.

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REG. REF. SD22B/0441

LOCATION: 279, Orwell Park Grove, Dublin 6w



**Deirdre Kirwan,
Senior Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 28/11/22



Gormla O'Corrain, Senior Planner