

Comhairle Chontae Atha Cliath Theas

PR/1498/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0375 **Application Date:** 03-Oct-2022
Submission Type: New Application **Registration Date:** 03-Oct-2022

Correspondence Name and Address: Foley & Crowley Architects 41, Donnybrook Road, Donnybrook, Dublin 4

Proposed Development: The development will consist of; the construction of a new part single storey, part two-storey, 5 bedroom, detached house to the northern garden of the existing house. The provision of a new vehicular entrance accessed from the public road to serve the new dwelling. The construction of a new driveway within the site boundary and all other associated site and drainage works including new boundary walls and fences, terraces and landscaping works.

Location: Greenways, Tubber Lane Road, Lucan, Co. Dublin, K78 P5V9

Applicant Name: Aidan & Dympna Coss

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.1123 Hectares

Site Description:

The application site is located on Tubber Lane, a narrow laneway with seven dwellings on the eastern side and bounded by the Lucan Golf Club. The immediate area is predominately residential in nature with the Weston Airport located within close proximity to the northwest of the subject and the M4 motorway is also located close by.

The subject site contains a one and half storey dormer bungalow with a hip pitched roof and a detached building which appears to be a stores/garage unit. The site topography is undulating, and the dwelling is situated on a relatively elevated area. The site is bounded with fencing and trees that do not appear to be indigenous species. It should be noted that there are two other planning applications on this site currently for a further dwelling (SD22A/0377) and a new site access road (SD22B/0435).

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Proposal

The proposed development consists of:

- Construction of a new part single storey, part two-storey, 5 bedroom, detached house to the northern garden of the existing house.
- Provision of a new vehicular entrance accessed from the public road to serve the new dwelling.
- Construction of a new driveway within the site boundary and all other associated site and drainage works including new boundary walls and fences, terraces and landscaping works.
- Total area of works 185.8sqm

Zoning:

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

Consultations:

Irish Water: No objections subject to conditions.

Surface Water Drainage: Additional Information required.

Roads Department: Refusal recommended.

Parks Department: Additional Information required.

SEA Sensitivity Screening

Tubber Lane overlaps with SFRA A and SFRA B.

Submissions/Observations

2 submissions were received that can be summarised as follows:

- Both application SD22A/0375 and SD22A/0377 should be considered in tandem rather than separately as has been applied for as there is little scope for one of the applications to be moved further from the boundary of the neighbouring dwelling.
- Zoning of abutting lands occupied by Lucan Golf Club is zoned OS.
- Tubber Lane is a substandard laneway for further development.
- Intensification of use will set a precedent for similar development in the area.
- Negative impact on the natural landscape for walkers and cyclists.
- Sharp turn at the northern end of Tubber Lane which creates dangerous road conditions.
- Golfers have to traverse the laneway as part of the course.
- The applicant did not approach Lucan Golf Club prior to the planning application for input.
- All the applications are for the same site which is intensification of development.
- The three applications are interdependent and there is no one plan that shows all three separate entrances etc.
- Interested third parties are forced to pay to make three submissions as a result.

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- The applicants have complained about stray golf balls on various occasions which is on record and one of the dwellings will be located closer to the boundary with the golf course.
- No footpaths on either side of Tubber Lane
- No provision for visitor parking on site which may encourage parking on the laneway.
- Unclear where the surface water is draining to.
- Removal of mature trees.
- Pre-connection enquiry to Irish Water is required.
- There are no SuDS proposals.
- Road frontage of 60sqm not achievable.
- Potential for noise complaints due to green keeping at 6.30am in the summer months.
- Tubber Lane is a flood risk area.

The above information has been considered throughout this report.

Recent Relevant Planning History

Subject

90B/374 – **Permission Granted** for extension (part two storey) and alterations to existing dwelling. 81.89sqm.

93A/0873 - **Permission Granted** for change of roof design on existing planning permission for dwelling.

Adjacent

S99A/0707 – **Outline Permission Refused** for 2 Storey dormer bungalow and widening of existing entrance.

Recent Relevant Enforcement History

None.

Pre-Planning Consultation

PP129/21 –

South Dublin County Development Plan 2022-2028

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

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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 GI3: Sustainable Water Management

GI3 Objective 1:

To ensure that hydromorphological assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2:

To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

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 GI5: Climate Resilience

Policy QDP1: Successful and Sustainable Neighbourhoods

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

Policy QDP7: High Quality Design – Adaptability and Inclusivity

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Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment

H1 Objective 12:

Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or*
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme.*

Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9: Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

Policy H11: Privacy and Security

Policy H13: Residential Consolidation

H13 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

Policy H14: Residential Extensions

H14 Objective 1:

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy COS5: Parks and Public Open Space – Overarching

COS5 Objective 7:

To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a

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particular development or on sites with less than three units it is not possible to provide functional public open space on site.

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.8 Architectural Conservation Areas

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.4.3 Riparian Corridors

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

12.6.8 Residential Consolidation Infill Sites

Development on infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual;

- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.

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- Larger sites will have more flexibility to define an independent character;
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028 Implementation and Monitoring (IM) particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines
- Sustainable Urban Housing: Design Standards for New Apartments, 2020;
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;
- Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10:

Building Height and Design Guide);

- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;
- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;
- Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.

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Relevant Government Guidelines

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

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, (2008)

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)

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Planning Note
- Residential and Visual Amenity
- Accommodation and Impact on Open Space
- Roads
- Parks
- Drainage
- Part V
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' Residential development is permitted in principle and therefore a development consisting of a new part single storey, part two-storey, 5 bedroom, detached house would be acceptable subject to accordance with the relevant provisions of the County Development Plan.

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The subject site is 0.1123 hectares as stated and would be considered an infill site and as such any development must be consistent with the policies and objectives of the South Dublin County Development Plan 2022 – 2028 including **12.6.8 Residential Consolidation Infill Sites** of Chapter 12 Implementation.

Planning Note

This application is for the proposed development of a detached, 5-bedroomed dwelling and therefore, the determination will be for this application in insolation. Notwithstanding this, when determining the outcome of this application, due consideration will be attributed to the fact that there are two other applications for the same site under SD22A/0377 and SD22B/435.

Residential and Visual Amenity

Residential

The proposed development is located to the north of the site behind the existing dwelling which would have a separate access off Tubber Lane. The site has an undulating topography with a difference of approximately 3m sloping west to east and the proposed development requires a large amount of cutting into the bank in order facilitate a ground floor and part lower ground floor development which results in no natural light to the rear of the lower ground floor and the applicant should provide a full daylight analysis. The ridge height of the proposed development sits lower than the existing property which is **acceptable**. The drawings submitted do not indicate the likely overlooking from the northern gable end of the existing dwelling and the proposed southern elevation of the proposed dwelling and the applicant should submit revised drawings indicating the relationship between them. The applicant has not provided a comprehensive site analysis and had the application been considered otherwise acceptable; this information could have been requested.

A dwelling at this location may be feasible subject to compliance with the provisions of the South Dublin County Development Plan, but not withstanding this, the provision of two new dwellings (second dwelling proposed under SD22A/ 0377) at this location could be considered overdevelopment of the site given the accepting area and is an intensification of use given the prevalent pattern of development for the area. A more cohesive masterplan for the entire site should be sought from the applicant.

Visual

The proposed development consists of two offset blocks with the area to the south following the building line established by the existing dwelling and the area to the north being set at an angle which is visually jarring in the site context and there does not appear to be as result of site constraints and had the application been otherwise acceptable, the applicant could have revised the design via **Additional Information** to have the western elevation to the north run straight. The proposed roof treatments are also off-centre presumably to maximise the light to the interior of the property via large rooflights at the centre, but this is again visually jarring at

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street level and a similar amount of natural light could be achieved by centring the roofs with consistent angles and similarly, the applicant could have been requested to redesign this through **Additional Information**. Overall, a contemporary design at this location is appropriate but care should be given to ensure the visual amenity of the area and therefore the proposed would be visually injurious.

Overall, the proposed development should be refused as it would significantly injure the residential and visual amenities of the area.

Internal Accommodation & Private Open Space

Section 5.3.2 of the Quality Housing for Sustainable Communities Guidelines	Requirement (sqm)	Provision (sqm)
Gross Floor Area	110	185.5
Minimum main living area	15	33.7
Aggregate living area	40	62.65
Aggregate Bedroom Area	43	67.07
Storage	6	14
Living room width	3.8m	9.8m (ave)
Double bedroom(s) width	2.8m	7m, 3.6m, 3.35m, 3.65m, 3.68m
Main bedroom for house above 3 persons	13	22.29
Double bedroom area	11.4	11.1, 10.55, 12.04, 10.48

The internal accommodation of the proposed dwelling therefore generally accords with the Quality Housing for Sustainable Communities and the County Development Plan but if the bedrooms are to be double rooms as indicated on the drawings submitted then some minor adjustments are required in order to be fully compliant, and had the application been considered otherwise acceptable, this information could have been requested as **Additional Information**.

Table 3.20 of the County Development Plan requires a minimum of 70sqm for 4-bedroom houses (or more) with the following exception as per **12.6.8 Residential Consolidation**:

A relaxation in the quantum of private open space may be considered on a case by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;

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Open Space

The proposed development has private amenity space in excess of the required amount as per the County Development Plan and which would have been **acceptable**. Notwithstanding this, the impact of the proposed application on the private open space of the existing dwelling in combination with the proposed development under SD22A/0377 as well as the removal of open space to the front of the house as proposed under Reg. Ref. SD22B/0430 would result in a significant and unacceptable reduction in the amenity of the host dwelling, which is not considered acceptable.

Roads

The proposed development is located on a narrow lane with haphazard development along the eastern side. The Roads Department recommend **a refusal of permission** and submitted the following report:

Description

The provision of a new vehicular entrance accessed from the public road to serve the new dwelling. The construction of a new driveway within the site boundary and all other associated site and drainage works including new boundary walls and fences, terraces and landscaping works.

Roads recommend refusal.

The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities, and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.

The report from the Roads Department is noted and it is considered reasonable that the proposed development is **refused permission**.

Parks

The Parks Department require **Additional Information** and the following report was received:

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In relation to the above proposed development, the applicant shall submit the following additional information;

1. Green Infrastructure

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- *Proposals for identification and control of invasive species where appropriate, for the site*

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

2. Landscape Plan

The development shall not be commenced until a Landscape Plan for the site, including details of materials, species and a planting schedule have been submitted to and approved in writing by the Public Realm Section. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of visual amenity and to ensure the provision, establishment and maintenance of a reasonable standard of landscape, in accordance with relevant policies and objectives contained within the current County Development Plan 2022-2028.

3. Tree Survey

The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment and Tree Protection Plan all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations.

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REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with Policy NCBH11 Objective 1, 2 and 3 of the CDP 2022-2028.

The report from the Parks Department is noted and additional information would be appropriate in combination with a request for various other items of additional information but given the nature of the development overall, the application should be **refused**.

Drainage

Irish Water have no objections to the proposed development subject to **conditions**.

The Water Services Department require **Additional Information** and the following report was received:

Surface Water Report: Additional information required:

1.1 There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaways. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

1.2 The applicant is required to include additional Sustainable Urban Drainage System (SuDS) features as part of the development. Submit a drawing and report going into detail on additional SuDS features to be added. SuDS features could include but are not limited to:

- Permeable Paving
- Water Butts
- Rain Garden
- Other such SuDS

The **Additional Information** as required by Water Services is not considered sufficient to address the issues on this site. The proposed development will result in a large amount of hardstanding areas and the gradient of the slope from east to west means that there would be substantial levels of surface water draining onto the Tubber Lane which is a known Flood Risk Area as identified in the South Dublin County Development Plan 2022 - 2028, and it is not known what impact the proposed development may have on the capacity of the pumping station. Therefore, the applicant could have been requested to provide a complete assessment of the potential for flooding had the application been considered otherwise acceptable.

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Part V Social Housing

The proposed development relates to 1 residential unit (2 in combination with SD22A/0377) and therefore, under Section 97 of the Planning and Development Act 2000 (as amended), Section 96 of the same Act does not apply with regards to the provision of social or affordable housing.

Screening for Appropriate Assessment

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 detached, 5-bedroomed dwelling.

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.

Environmental Impact Assessment (EIAR)

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.

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Other Considerations

Development Contributions	
Planning Reference Number	SD22A/0375
Summary of permission granted & relevant notes:	Detached, 5-bedroomed dwelling
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m²)	185.5
Amount of Floor area, if any, exempt (m²)	0
Total area to which development contribution applies (m²)	185.5
Total development contribution due	€19,382.89

Conclusion

A development consisting of a residential dwelling may be acceptable on the application site subject to compliance with the provisions of the South Dublin County Development Plan 2022 – 2028. Notwithstanding that, the proposed development in combination with the consequent applications on this site (SD22A/0377 and SD22B/0435) would be considered overdevelopment on a substandard laneway and would constitute haphazard ribbon development and therefore would not be consistent with sustainable development or proper planning and therefore should be **refused**.

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Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities, and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22A/0375

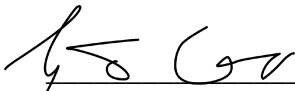
LOCATION: Greenways, Tubber Lane Road, Lucan, Co. Dublin, K78 P5V9



Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 28/11/22



Gormla O'Corrain, Senior Planner