

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0450 **Application Date:** 12-Oct-2022
Submission Type: New Application **Registration Date:** 12-Oct-2022
Correspondence Name and Address: Liam Baker 19, Aranleigh Gardens, Rathfarnham, Dublin 14
Proposed Development: Dropped kerb for new vehicular access, removal of part of the front wall for extra parking.
Location: 11, Neilstown Gardens, Clondalkin, Dublin 22
Applicant Name: Anthony Mason
Application Type: Permission

Description of Site and Surroundings

Site Description

The site is comprised of a 2 No. bedroom terrace dwelling located towards the end of a 4-unit terrace in Neilstown Gardens, Clondalkin, Co. Dublin. The site is bound to the east, south and west by residential dwellings and to the north by an internal circulation road for Neilstown Gardens.

The surrounding streetscape is generally characterised by residential dwellings of a similar architectural form and scale.

Site Area:
0.0158 Ha.

Proposal

Permission is sought for a dropped kerb for new vehicular access and removal of part of the front wall to provide a 3.5m wide vehicular access point leading to additional car parking for the existing dwelling.

Zoning

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity' in the South Dublin County Development Plan 2022-2028.

Consultations

Roads Department – No objections, subject to conditions.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Submissions/Observations/Representations

Final date for submissions/observations – 15th November 2022.

None received.

Relevant Planning History

Subject Site

SD09A/0374

Modifications to previously approved grant of permission for a 2 storey end of terrace house (Registry Reference SD08A/0229). The works include (i) an upper floor extension above the front entrance doorway with front elevational changes to include a new upper floor bedroom window and the removal of the approved obscured bathroom window, (ii) an extended upper floor bedroom to the approved 2 -storey annex at the rear of the house, (iii) internal layout alterations and (iv) all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

SD08A/0229

An end-of-terrace terrace, 2 storey house to the side of existing dwelling using the existing vehicular access from Neilstown Gardens for car parking and providing a new car entrance from Neilstown Gardens to the existing house. The works also involve all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

Adjacent Site

SD22A/0043

An end of terrace, two storey two bed house with pitched roof over with single storey flat roof extension to the rear, to side of existing dwelling; creation of new vehicular access and dished kerb; off-street car parking space.

SDCC Decision: Grant Permission, subject to conditions.

NB: One of the conditions attached to the permitted development of SD22A/0043 relates to Vehicular Access and Car Parking:

'Vehicular Access and Parking

(a) *Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority a site layout plan demonstrating vehicular access for Nos 11 and 11A Neilstown Gardens.*

(b) The boundary walls at both vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(c) The existing vehicular access points at shall be limited to a width of maximum 3.5m wide for the proposed development.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

(d) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

(e) Any gates shall open inwards and not out over the public domain.

REASON: In the interests of pedestrian and traffic safety.'

It is understood that the proposed development of this Planning Application stems from the above outlined condition attached to SD22A/0043.

SD19A/0189

An end of terrace 2 storey four bed house with pitched roof over with single storey flat roof extension to the rear, to the side of existing dwelling; new vehicular access and dished kerb; off-street car parking space. **SDCC Decision:** Refuse Permission.

In refusing permission for the development proposed under SD19A/0189, SDCC cited 2 No. reasons for refusal. The proposed development of this Planning Application shall be assessed in the context of the previous reasons for refusal later in this Report.

CE19/0038

The applicant sought and was granted a S.96 Certificate of Exemption for social housing, in relation to a new End of Terrace house. **SDCC Decision:** Certificate of Exemption Granted.

Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None for this development.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GII 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.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Section 4.2.1 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.

Section 4.2.2 Sustainable Water Management

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.

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

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

12.5.1 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

12.6.10 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)

South Dublin County Council House Extension Guide (2010)

The House Extension Design Guide contains the following general guidance on house extensions and specific guidance on front extensions/driveway length:

- Try to maintain a minimum driveway length of 6m.
- Permeable gravel on parking areas will allow natural drainage to occur

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Relevant Government Guidelines

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

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).

Wastewater Treatment and Disposal Systems Serving Single Houses Environmental Protection Agency (November 2009)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

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

Assessment

The main issues for assessment are

- Zoning and Council Policy
- Visual Impact and Residential Amenity
- Vehicular Access and Car Parking
- Environmental Impact Assessment
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. The provision of a dropped kerb and alterations to the vehicular access arrangements of an existing dwelling is considered to be permissible in principle under this zoning objective as the development pertains to the established residential use.

The proposals would be in accordance with Section 12.7.6 of the South Dublin County Development Plan 2022-2028, '*Widening of Driveways to Accommodate In-Curtilage Parking*',

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

which states that a width of 3.5m between gate pillars shall not normally be exceeded. The proposed development is for a 3.5m wide vehicular entrance which is acceptable. The proposed development does not propose the removal of any street trees and will not impact the existing street tree which is located in the grass verge adjacent to the site boundary. This would be in line with Section 12.7.6 which states that proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated.

The widened entrance/driveway would exceed the minimum driveway length of 6m as required by the South Dublin County Council House Extension Guide (2010).

In summary, the proposed development is considered to comply with the guidance set out in the South Dublin County Development Plan 2022-2028.

Visual Impact and Residential Amenity

The proposed development seeks the provision of a dished kerb and a 3.5m wide vehicular entrance to the existing dwelling at No. 11 Neilstown Gardens. The proposal will also result in the creation of a pedestrian entrance to the subject site.

Having regard to the nature and scale of the proposed development, it will not have a significant impact on the amenity or character of the subject site, adjacent properties and the wider surrounding streetscape.

Section 12.7.6 of the Development Plan states that where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage. This can be addressed by way of **CONDITION** in the event of grant of permission.

Vehicular Access and Car Parking

The Roads Department has assessed the proposed development and have indicated no objection, subject to the following **CONDITIONS**:

- The vehicular access point shall not exceed a width of 3.5 meters.
- The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.
- The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
- Any gates shall open inwards and not outwards over the public domain.
- All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Green Infrastructure

The site is located on the fringes of the M50 Primary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028). It is noted that SuDS measures in the form of permeable paving can be achieved by **CONDITION**.

Having regard to the nature and scale of the proposed development, it is considered that the subject development will not significantly impact the Green Infrastructure Network.

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 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 a new dropped kerb.

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.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

Other Considerations

Development Contributions

Total Assessable 0sqm

Planning Reference Number	SD22B/0450
Summary of permission granted & relevant notes:	Dropped kerb for new vehicular access, removal of part of the front wall for extra parking.
Are any exemptions applicable?	No
If yes, please specify:	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.
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)	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	0
.Total development contribution due	€0.00

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – New dropped kerb and vehicular entrance.	0sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0158

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 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.
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.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (i) The vehicular access point shall not exceed a width of 3.5 meters.
(ii) The entrance apron shall be dishd and widened to the full width of the proposed

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.

(iii) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(iv) Any gates shall open inwards and not outwards over the public domain.

REASON: In the interests of pedestrian and road safety

3. The proposed driveway/car parking area shall be constructed using a permeable surface such as Permeable Paving, Grass Paving or Porous Asphalt as part of SuDS (Sustainable Drainage System).

REASON: In the interest of providing suitable SuDS measures

4. (a) 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.

- (b) 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.

- (c) 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 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

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

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 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.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

Comhairle Chontae Atha Cliath Theas

PR/1493/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22B/0450

LOCATION: 11, Neilstown Gardens, Clondalkin, Dublin 22


Colm Harte,
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: 29/11/22


Gormla O'Corrain,
Senior Planner