

Comhairle Chontae Atha Cliath Theas

PR/1513/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0452 **Application Date:** 14-Oct-2022
Submission Type: New Application **Registration Date:** 14-Oct-2022

Correspondence Name and Address: Elaine Ward Manor Kilbride, Blessington, Co. Wicklow

Proposed Development: Extension at first floor level to side above existing garage / utility comprising of 19.5sq.m including extending existing tiled roof; Extend 7sq.m to existing ground floor kitchen extension to rear (Reg. K-829 July 1976); Provide access to attic for additional wc / shower, inline roof lights and playroom; Porch to front 2.5sq.m with lean to tiled roof extending to cover garage door; Widen vehicle entrance to 3.5m to allow for access for 2 off-road parking spaces.

Location: 38, Fernhill Road, Dublin 12

Applicant Name: Graham Leonard & Deborah Clarke

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.042

Site Description:

The site is located within the established Fernhill Road residential estate in Walkinstown and contains a semi-detached two storey dwelling with pitched roof, attached side garage and 'L' shaped single storey rear extension. The streetscape is characterised by houses of similar form and appearance with a mainly uniform building line. The subject site has a relatively long rear garden.

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Proposal:

The proposed development consists of the following:

- Extension at first floor level to side above existing garage/utility comprising of 19.5sq.m. including extending existing tiled roof;
- Extend 7sq.m to existing ground floor kitchen extension to rear (reg. ref. K829).
- Provide access to attic for additional wc/shower,
- Front porch extension to front measuring 2.5sq.m with lean to tiled roof extending to cover garage door;
- Widen vehicle entrance to 3.5m to allow for access for 2 off-road parking spaces.
- Proposed works measure 69.7sq.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

Roads Department – No report received

Parks Department – Grant with **conditions**.

SEA Sensitivity Screening

No overlap indicated for relevant environmental layers.

Submissions/Observations /Representations

None.

Relevant Planning History

K-829: ground floor kitchen extension to rear.

Decision: **GRANT PERMISSION.**

Adjacent sites

SD04B/0414: 40, Fernhill Road, Dublin 12.

Single storey extension to rear, conversion of domestic garage at the side to a study with a semi-dormer first floor above accommodating a bedroom and bathroom and alterations to front facade to include a tiled overhang over entrance and windows.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None recorded.

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Pre-Planning Consultation

None.

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).

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.

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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)

Relevant Government Guidelines

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

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

Relevant Government Policy

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 the assessment are:

- Zoning and Council Policy
- Residential and Visual Amenity
- Access & Parking
- Parks & Landscaping
- Services and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR).

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Zoning and Council Policy

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity.' A residential extension is permitted in principle subject to its accordance with the relevant provisions in the Development Plan 2022-2028 and the SDCC House Extension Design Guide 2010.

Residential & Visual Amenity

First floor side extension above existing garage/utility (19.5sq.m.)

The first floor extension to the side will have a pitched roof and will match the ridge height of the existing dwelling. It will span a width of c.2.65m and will project the full length of the existing dwelling. This element of the proposal would integrate reasonably well with the character of the existing dwelling and with the character of the area.

Single storey rear extension

The application proposes to extend 7sq.m to the existing ground floor kitchen extension to rear. The extended element will span a width of c.3m and will project a length of c.2.1m. The extended element will have a flat parapet roof with a parapet height of c.2.8m to match existing roof. This element of the proposal would integrate reasonably well with the character of the existing dwelling and with the character of the area.

Attic Conversion (non-habitable)

The attic conversion will provide for a shower/wc and will also provide for non-habitable open space. 3 no. roof lights will be provided for to the rear roof. This element of the proposal would integrate reasonably well with the character of the existing dwelling and with the character of the area.

Front porch extension (2.5sq.m.)

The front porch extension with lean to roof extending to cover garage door will project outwards from the main front building line by c.0.9m. The extension would comply with the SDCC House Extension Design Guide 2010.

Widening of Vehicular Entrance

The application proposes to widen the existing vehicular entrance to 3.5m. This width of 3.5m would be the maximum limit for widening the vehicular entrance and in the event of a grant of permission a **condition** shall be attached that the vehicular entrance be limited to a maximum width of 3.5m. In the event of a grant standard road conditions shall also be attached.

Access & Parking

No report received to date. Notwithstanding this, in the event of a grant standard roads **conditions** shall be attached in the event of a grant including for the widened vehicular entrance to be limited to 3.5m.

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Standard Roads Conditions

- 1.The vehicular access points shall be limited to a width of 3.5 meters.*
- 2.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.*
- 3.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.*
- 4.Any gates shall open inwards and not out over the public domain.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

Parks & Landscaping

A report was received from the Parks Department recommending a grant with **conditions**. An extract taken from the Parks report states the following:

The following condition is recommended to be applied:

Conditions:

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.

Notwithstanding the report from the Parks Department, considering the scale of the proposed development it is not considered necessary to attach the above **condition** in the event of a grant.

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Services & Drainage

No reports have been received from Surface Water Drainage or Irish Water. Notwithstanding this it is considered that standard drainage **conditions** shall be attached in the event of a grant.

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

- Extension measuring 69.7sq.m.
- Previous single storey extension measures 15.3sq.m.
- 24.7sq.m. Exemption remains.
- Assessable area is 45sq.m.

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Development Contributions

Planning Reference Number	SD22B/0452
Summary of permission granted & relevant notes:	Residential Extension – 69.7sq.m.
Are any exemptions applicable?	Yes
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)	69.7
Amount of Floor area, if any, exempt (m²)	24.7
Total area to which development contribution applies (m²)	45
Total development contribution due	€4,702.05

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – extension	69.7sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.042

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Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, and the recommendations and the South Dublin House Extension Design Guide 2010, the development seeking permission would accord 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. (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) 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.
(c) Drainage - Irish Water.

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(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.

(d) 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.

(e) 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 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

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- 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.

3. Roads Requirements.

- 1.The vehicular access points shall be limited to a width of 3.5 meters.
- 2.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.
- 3.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.
- 4.Any gates shall open inwards and not out over the public domain.

REASON: In the interest of proper roads planning and in the interest of proper planning and sustainable development.

4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4, 702.05 (Four Thousand Sevenhundred and Two Euros and Five Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

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NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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 the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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.

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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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REG. REF. SD22B/0452

LOCATION: 38, Fernhill Road, Dublin 12



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: 30/11/22



Gormla O'Corrain,
Senior Planner