

Comhairle Chontae Atha Cliath Theas

PR/1530/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0473 **Application Date:** 28-Oct-2022
Submission Type: New Application **Registration Date:** 28-Oct-2022
Correspondence Name and Address: M. H. M. Design Clearview, Ballykea Road,
Loughshinny, Skerries, Co. Dublin.
Proposed Development: Single storey domestic shed/workshop and all
associated site works.
Location: 38, Clonmore Avenue, Tallaght, Dublin 24
Applicant Name: Dimitrian Brinza
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: Stated as 0.0210 Hectares.

Site Description:

The subject site is located in Clonmore Avenue in Tallaght. The subject dwelling is a two storey end of terrace dwelling with a pitched roof profile. The street is characterised by other similar residential dwellings with a mainly uniform building line. The rear of the site backs on to a relatively large shed in the ownership of No.1 Clonmore Crescent.

Proposal:

The proposed development consists of the following:

- Build a single storey domestic shed/workshop to the rear.
- Proposed works measure c.33sq.m.

Zoning:

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

Consultations:

Environmental Health: **Additional Information** recommended.

Irish Water: No report received

Surface Water Drainage: No report received

SEA Sensitivity Screening

No overlap with relevant environmental layers.

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Submissions/Observations /Representations:

None.

Recent Relevant Planning History:

None recorded for subject site.

Relevant Enforcement History:

None.

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.

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Attic conversions and dormer windows:

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

Overlooking and loss of privacy:

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

South Dublin County Council House Extension Design Guide (2010)

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 assessment relate to:

- Zoning and Council policy;

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- Residential and visual amenity;
- Environmental Health;
- Services & Drainage;
- Screening for Appropriate Assessment (AA);
- Screening for Environmental Impact Assessment (EIAR);

Zoning and Council Policy

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'. The development of a garage/workshop in the rear garden of a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the 2022-2028 South Dublin County Council Development Plan and the SDCC House Extension Design Guide 2010.

Residential & Visual Amenity

The proposed development is for construction of an 'L' shaped single storey domestic shed/workshop to the rear with double doors and 1 no. window. The domestic shed/workshop will be built to the boundaries with immediate neighbouring properties to the east, west and to the south of the subject site. The domestic shed/workshop will have a flat parapet roof with a parapet height of c.3.3m and will project a maximum length of c.7m along the eastern site boundary. A reasonable area of private open space will remain post completion. It is noted from the proposed drawings submitted that there is a relatively large shed to the rear of no. 1 Cloonmore Crescent which the proposed domestic shed/workshop will back on to.

The applicant will note that the proposed garage/workshop is not suitable for habitable use and is being assessed based on the use of a domestic shed/workshop as per the description of development. If the decision to grant permission is made a **condition** should be added that the proposed development is only for the stated use as per the description of the development and not for any habitable use.

Environmental Health

A report was received from the Environmental Health Officer (EHO) recommending **Additional Information** be requested. An extract taken from the EHO report states the following:

Decision:

Additional information is required for the Environmental Health Department to adequately access this application. The additional information required is.

1. *The application states that permission is sought for a domestic shed/workshop. The applicant must indicate what type of workshop is being proposed. They must also indicate if this is for domestic use or commercial use.*

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1. *If this is a commercial workshop details of how the shed in the rear garden will be constructed. Is noise from the activities in the workshop audible outside the shed?*
2. *Proposals to negate any potential noise nuisance.*
3. *If this were a commercial workshop, the opening hours would need to be restricted as this is a residential area. Details of proposed opening hours must be submitted to this Office. The recommended opening hours from this Office would be from 9am-5pm.*

Notwithstanding the report from the EHO it is considered that in the event of a grant the above may be dealt with by way of **condition** whereby the proposed development shall only be for the stated use as per the description of the development (domestic shed/workshop) and not for any habitable or commercial use.

Services & Drainage

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

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension. Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- Development subject of this application for non-habitable domestic shed/workshop (c.33sq.m.).
- Assessable area is nil.
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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – garage/workshop	33sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0210

Development Contributions

Planning Reference Number

SD22B/0473

Summary of permission granted & relevant notes:

Residential Extension – 42.2sqm.
Non-habitable garage.

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)

33

Amount of Floor area, if any, exempt (m2)

0

Total area to which development contribution applies (m2)

0

Total development contribution due

€0.00

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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) Drainage - Irish Water.
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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(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.

(c) 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.

(d) 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
- 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

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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. Garage use.

The use of the domestic shed/workshop building shall be restricted to purposes incidental to the enjoyment of the house as such and shall not be used for commercial use, as a habitable unit and shall not be leased or subdivided from the main dwelling.

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

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 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.


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REG. REF. SD22B/0473

LOCATION: 38, Clonmore Avenue, Tallaght, Dublin 24



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: 02/12/22_____



Gormla O'Corrain,
Senior Planner