

Comhairle Chontae Atha Cliath Theas

PR/1534/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0389 **Application Date:** 12-Oct-2022
Submission Type: New Application **Registration Date:** 12-Oct-2022

Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14

Proposed Development: Construction of new detached single storey dwelling in the side garden with new vehicular access on to Ann Devlin Road; all associated site works and connection to public services.

Location: Plot adjacent to, 2, Orchardstown Drive, Rathfarnham, Dublin 14, D14 W9N1

Applicant Name: Marie & Brian Furey

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0287 Hectares on the application form.
Site Visit: 23rd of November 2022.

Site Description

The subject site is located on the corner of Orchardstown Drive and Anne Devlin Road within an existing housing estate in Butterfield. The site comprises of the side garden of No. 2 Orchardstown Drive. There are existing hedgerows along the northern, eastern and southern boundaries.

Proposal

Permission is sought for the construction of new detached single storey dwelling in the side garden with new vehicular access on to Ann Devlin Road; all associated site works and connection to public services.

Zoning

The subject site is zoned Zoning Objective 'RES': *To protect and/or improve residential amenity* under the 2022-2028 CDP.

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Consultations

Water Services	No objection subject to conditions.
Irish Water	No objection subject to conditions.
Roads Department	Additional information requested.
Public Realm	No report received at the time of writing this report.
Transport Infrastructure Ireland	Observation received.

SEA Sensitivity Screening – the subject site overlaps with the following aviation layers Outer Horizontal Surfaces for Casement and Dublin, Approach Surfaces for Casement and Bird Hazards.

Submissions/Observations/Representations

There was 1 no. third party submission received on the application, which raised the following points in summary:

- Application misrepresents the site constraints
- Does not follow the building line of Orchardstown Drive or Anne Devlin Road
- Location of the front door
- The existing dwelling has already been extended and is being used as 2 no. dwellings
- Visual impact of the proposal including removing the hedgerows and proximity of house to public footpath
- Impact on residents and members of the public privacy. Inadequate private amenity
- Possibly of utility room to be used as a bedroom given size

Transport Infrastructure Ireland have submitted an observation stating the following:

In the case of this planning application, the Authority will rely on the planning authority to abide by official policy in relation to development on/ affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In particular, the Planning Authority should ensure the following:

- *protect the substantial investment being made by Government in upgrading national roads,*
- *maintain the intended transport function, traffic carrying capacity and efficiency of the network of national roads,*
- *ensure that traffic hazards for road users are not created and thereby maintain the safety of the network of national roads,*
- *extend the service life of the national road network, thereby deferring to the longer term the need to reinvest in further road improvements and the construction of new roads which would have implications for landowners, local communities, the environment and public expenditure,*
- *protect the routes of future roads, including road upgrades, from development.*

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The Authority reserves the right to appeal to An Bord Pleanála any decision made by the planning authority to approve planning permission, which is at variance with the above criteria.

These submissions have been reviewed in full and taken into consideration in the assessment of the proposed development.

Relevant Planning History

Subject site

SD22A/0053

Construction of new detached, two storey dwelling in the side garden with shared vehicular access; increase in width of existing vehicular access to 3.5m; all associated site works and connection to public services. **Withdrawn.**

SD18A/0030

Permission granted on this site for demolition of existing single storey element to the rear of the existing house. Construction of new detached, two storey dwelling in the side garden. Increase in width of existing vehicular entrance by 3.5m. All associated site works and connection to public services. **This permission has not been implemented to date and will expire on the 13th of August 2023 (including Covid and Christmas days).**

Other Sites

SD18B/0176 at 26 Anne Devlin Road (opposite site)

Permission granted for two storey extension to the front side of the existing house, external insulation of the existing house, 1 'Velux' type roof light to the front, 2 dormer windows to the side and the rear of the existing roof, some internal alterations and associated site works.

SD19A/0282 2, Cypress Lawn, Templeogue, Dublin, 6W (referred to by the applicant)

Permission granted for a new detached, two bedroom passive low energy bungalow with pitched hipped roof; harmonising materials with existing housing; 'Velux' windows to sides and rear; 2 parking spaces; new pedestrian access facing Cypress Grove Road; relocation and a new vehicular access to front and associated site works to side.

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None identified in APAS.

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

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

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

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 QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP7: High Quality Design – Development General

Policy QDP11: Materials, Colours and Textures

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 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

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Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.6.7 Residential Standards

12.6.8 Residential Consolidation

Corner / Side Garden Sites

Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;

- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;

- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;

- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;

- 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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- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

12.6.10 Public Open Space

12.7.4 Car Parking Standards

12.11.1 Water Management

Relevant Government Guidelines

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 (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).

Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)

Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage, and Local Government, (2009).

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

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Assessment

The main issues for assessment relate to:

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

Planning History

Permission was granted on this site for a detached two storey dwelling under Reg. Ref. SD18A/0030. The permission is still live and would expire in August 2023. A recent planning application was submitted for a new detached, two storey dwelling in the side garden under Reg. Ref. SD22A/0053. This has been deemed withdrawn as clarification of additional information was not submitted within the required time period. The subject proposal appears to be the same as the proposal under Reg. Ref. SD22A/0053, as submitted at additional information stage. The items raised at clarification of additional information stage under Reg. Ref. SD22A/0053 do not appear to have been fully addressed in the subject application.

Zoning and Council Policy

A new dwelling is consistent with zoning objective 'RES': *'To protect and/or improve residential amenity.'* Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 12 of the South Dublin County Development Plan 2022-2028, and other relevant policies and objectives of the Plan. Development in corner gardens is guided by section 12.6.8 of the Plan.

Visual and Residential Amenity

Layout and Design

The proposed development provides for a single storey detached house on a corner site. The house would be located in the centre-eastern part of the site, fronting onto Anne Devlin Road. The house is located in close proximity to the public footpath on Anne Devlin Road. The house is sited forward of the existing front building lines along both Orchardstown Drive and Anne Devlin Road and does not respond to the context of the site or housing on adjoining sites. The existing house has also had a major extension to the side, which is accommodated in whole in the subject application.

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The permitted scheme under Reg. Ref. SD18A/0030 provides for a house that aligns closer the existing building lines and the context of the surrounding area. The layout and design of the subject proposal is discussed further.

Residential Standards

The application form states that the proposed house would be approx. 74sq.m in size. The proposed house under Reg. Ref. SD22A/0053 was stated at 131sq.m. However, this appears to have been incorrect, there has been no change in the floor area of the house between the two applications. A floor area of approx. 74sq.m appears to be correct.

The proposed bedrooms would meet the minimum (single bedroom) floorspace requirements of the CDP and 2007 Quality Housing Guidelines. The utility room has also been labelled for storage. This room is easily sized to be another bedroom (approx. 8.4sq.m). It is considered that essentially this would be a 3-bed house and available on the market as such. The design complies with the 2007 Quality Housing Guidelines but could be improved with the provision of more storage off circulation areas. **This should be addressed by way of additional information.**

Private Amenity Space

The applicant has not provided satisfactory private amenity space on the site. The permitted scheme provided for a function space to the east of the dwelling; the proposed scheme compromises this by extending the proposed dwelling into this space. The proposed private open space would be located to the front of the site. To provide adequate privacy and security, a prominent defensive boundary treatment would be necessary, and this would be inappropriate at this corner site location.

The permitted scheme shows that a house can be accommodated on the site without compromising private amenity space. The applicant could revise the proposed layout by way of **additional information** to provide quality private amenity space as per the previously permitted scheme.

Overdevelopment

Reduced private amenity space for a scheme such as this may suggest overdevelopment of the site. In this case, a corner development is being proposed on a site which already accommodates a very large side extension to the original house. The impact of the proposed scheme is to provide a house that keeps no building line, does not integrate architecturally, and would be sited such that private amenity space is compromised on the site.

The permitted scheme is considered to represent a reasonable solution on the site. The proposal, which entails design and layout changes, should conform more to that scheme in terms of having some relation to existing building lines and therefore integrating into the area.

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The applicant refers to Reg. Ref. SD19A/0282 at No. 2 Cypress Lawn, Templeogue as a similar development for precedent. However, the Planning Authority notes that this house was aligned with existing building lines, is a different design and form, and has sufficient and quality rear private amenity space and screening.

The applicant should address the issue of siting and/or building lines by way of **additional information**.

Public Open Space

While a contribution in lieu of public open space provision can be considered at the Planning Authority's discretion, under COS5 Objective 7 of the CDP, in this instance in consideration of the minimal quantum that would be owed, and subject to the adequate provision of open space on site to meet the needs of the residents, a contribution will not be sought.

Access and Parking

The Roads Department have reviewed the proposed development and request the following **additional information**:

The applicant shall submit accurate plans of not less than 1:200 scale demonstrating the provision of a visibility splay with a 2.4 meters set back at a 1.05 meter height from ground level in both directions from the entrance.

In the event of a grant of permission the Roads Department recommend that the following conditions be attached:

- 1. 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.*
- 5. 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.*

Green Infrastructure and Landscaping

The subject site is located proximate to a Primary Green Infrastructure Corridor as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP. A soakaway is proposed, and Water Services request the consideration of further SuDS by way of condition. The proposal is therefore

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considered to be in accordance with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028, subject to conditions.

Infrastructure and Environmental Services

Water Services have reviewed the proposed development and have no objection subject to conditions including to include additional SuDS (Sustainable Drainage Systems) such as planter boxes. This can be conditioned in the event of a grant of permission. The above requested changes to the proposed house and site layout may result in the proposed soakaway having to be relocated onsite. **If this is the case, the applicant should ensure that the soakaway still complies with the requirements including required setbacks.**

Irish Water have reviewed the proposed development and state that they have no objection subject to conditions that require connection agreements prior to commencement. This should be conditioned in the event of a grant of permission.

Environmental Impact Assessment

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

Screening for Appropriate Assessment

The applicant has not submitted any information in relation to screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the construction of new detached single storey dwelling in the side garden.

Having regard to:

- the nature of the development,
- the location of the development in a serviced 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.

Conclusion

The proposed provision of a house on this site is acceptable in principle as evidenced by the previous permission on the site. However, having regard to the proposed layout and design of the proposal, the applicant should be asked to provide a revised proposal addressing the following:

1. More storage in circulation areas within the house

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2. Adequate private amenity space in terms of quantity and quality, and taking the permitted scheme as an example (SD18A/0030);
3. Revise the design to keep the building lines of surrounding houses and taking the permitted scheme as an example (SD18A/0030).

Recommendation

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

1. The proposed provision of a house on this site is acceptable in principle as evidenced by the previous permission on the site. However, having regard to the proposed layout and design of the proposal, the applicant is requested to submit a revised proposal addressing the following:
 - (a) More storage in circulation areas within the house
 - (b) Adequate private amenity space in terms of quantity and quality, and taking the permitted scheme as an example (SD18A/0030);
 - (c) Revise the design to keep the building lines of surrounding houses and taking the permitted scheme as an example (SD18A/0030).A full set of revised drawings and the total floorspace area should be submitted.
2. The applicant is requested to submit accurate plans of not less than 1:200 scale demonstrating the provision of a visibility splay with a 2.4 meters set back at a 1.05 meter height from ground level in both directions from the entrance.

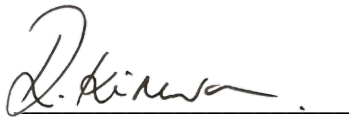
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REG. REF. SD22A/0389

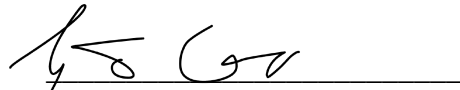
LOCATION: Plot adjacent to, 2, Orchardstown Drive, Rathfarnham, Dublin 14, D14 W9N1



**Deirdre Kirwan,
Senior Executive Planner**

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

Date: 06/12/22


Gormla O'Corrain, Senior Planner