

Comhairle Chontae Atha Cliath Theas

PR/1542/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0449 **Application Date:** 13-Oct-2022
Submission Type: New Application **Registration Date:** 13-Oct-2022
Correspondence Name and Address: Ben Kilroy Marula, Fairbrook Lawn, Rathfarnham, Dublin 14, D14N4A3
Proposed Development: Removal of Roller-Shutter Gate at the rear of back garden and opening onto laneway and replace with Timber Gates
Location: Marula, Fairbrook Lawn, Rathfarnham, Dublin 14, D14N4A3
Applicant Name: Ben Kilroy
Application Type: Permission

Description of Site and Surroundings:

Site Area: stated as 0.069958 hectares on application form.

Site Description:

The subject site/ rear access gate is located on rear private access laneway off of Ballyboden Road in Rathfarnham. The laneway forms the main entrance to Fairbrook House and carries on to the rear of the subject site where it comes to an end. The lane is in private ownership and has rear access gateways/entrances to other dwellings that back onto the laneway. The subject site contains a dwelling house with main front entrance from Fairbrook Lawn. The rear laneway is wide enough for vehicular access.

Proposal:

The proposed development consists of the following:

- Removal of Roller-Shutter Gate at the rear of back garden and opening onto laneway and replace with Timber Gates

Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity', under the South Dublin County Council Development Plan 2022-2028.

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Consultations:

Roads -

No objections.

SEA Sensitivity Screening - No overlap indicated on SEA mapping tool.

Submissions/Observations /Representations:

Submission expiry date – 16/11/2022

No submissions or observations were received.

Relevant Planning History:

Subject Site:

None identified on APAS.

Adjacent sites:

SD18B/0188 - 22, Fairbrook Lawn, Rathfarnham, Dublin 14

Single storey bay window (2.47sq.m) to existing front living room and associated roof canopy to front elevation; Single storey extension (66.90sq.m) to side and rear of dwelling; Increase in height of side gable wall and provision of a gabled end roof in lieu of existing hipped roof & conversion of attic space incorporating roof lights to front and rear elevations and a dormer roof window to the rear elevation; Associated site works.

Grant Permission.

SD10A/0395 - Fairbrook House, Ballyboden Road, Rathfarnham, Dublin 14

Construct a one & a half storey detached dwelling and alter site boundaries to adjacent properties (rear gardens of; "Marula" & "An Cuan", Fairbrook Lawn to west & rear of 3 no. houses to east); demolish shed & construct detached single storey garage to rear garden of "An Cuan", Fairbrook Lawn & replace piers with steel posts on entrance bridge & Retention of boundary wall to rear of 3 no. houses (houses permitted under reg. ref. SD05A/0186).

Refuse Permission and Refuse Retention.

Relevant Enforcement History:

Subject Site:

S8250 - Marula, Fairbrook Lawns, Rathfarnham, Dublin 14.

Wall to rear of property removed and replaced with stainless steel roller shutter

Live Case – Enforcement Notice sent

Pre-Planning Consultation:

None identified on APAS for subject site.

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

6.8.2 Residential Extensions

Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.

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 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Chapter 12 Implementation and Monitoring

Section 12.5.8 Residential Consolidation

12.6.7 Residential Standards

Table 3.20: Minimum Standards for Housing

Section 12.7.6 Car Parking Design and Layout

In-Curtilage Parking

In-curtilage car parking will be considered to the front of the house for lower density residential development (40 dwellings per hectare or below), subject to:

- Sufficient measures to promote a self-regulating street environment;*
- Adequate plot widths to enable the planting of materials which have a low-level screening effect;*
- The provision of conveniently located on-street parking for visitors.*

Widening of Driveways to Accommodate In-Curtilage Parking

Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;*
- 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;*
- 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.*

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National Guidelines & Policy relevant to Development Management

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

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

Driveways

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

Relevant Government Guidelines

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment 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, (2008).

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

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

A development comprising of the removal of the roller-shutter gate at the rear of back garden and opening onto laneway and replacement with timber gates would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

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Residential and Visual Amenity

The applicant is seeking permission for the replacement of roller shutter door/gate at the rear of the subject property with timber gates. The application is in response to enforcement notice 'S8250' for the installation of the original roller gate without planning permission. The gate was previously blocked up with a block wall prior to the applicant installing the roller gate. A precedent of rear access from the neighbouring dwellings had been established with evidence of similar access points on the laneway.

The use of the lane by vehicles has been previously established and is deemed acceptable for the applicant to provided gated access to the rear of the property from the lane. The existing gate consists of a 2.99m high steel roller gate supported by 3.24m high metal piers. The gate is 2.52m in length and is not visually in keeping with gates that are evident along the laneway in terms of height and appearance. The proposed development includes for the replacement of the roller gate with 2m high timber gates. The proposed gates would be deemed acceptable to the planning authority and would not have a significantly negative impact on the residential or visual amenity of the lane or the surrounding area.

It is noted that there are no proposed changes to the access or egress arrangements to the main front entrance to the subject dwelling which is accessed from Fairbrook Lawn residential street. The front entrance contains a 22m long driveway which is significantly more than required under Section 4 of the SDCC House Extension Design Guide which states:

'Try to maintain a minimum driveway length of 6m.'

In summary, the proposed development is considered to comply with the guidance set out in the South Dublin County Council Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010) and would have an acceptable impact, subject to conditions in terms of residential and visual amenity.

Roads

The roads department have reviewed the subject application and have no objections and submitted the following report:

Description

Replacing existing gates with timber. The lane to the rear of the properties is not in public ownership. The use of this lane by vehicles has been established previously.

No Roads objections

The report from the roads department is noted, particularly in relation to the established use of the lane by vehicles previously. The point of the lane not being in public ownership is also noted and the replacement of the existing roller shutter door with wooden to access the private lane is deemed appropriate.

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Green Infrastructure

The subject application provides for no increase in the footprint of the subject house on an established suburban residential site, rather the retaining of a rear access point which was a boundary wall and inclusion of wooden gate. The site is not located close to a Primary GI Corridor, or a Secondary GI Link 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).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

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 the removal of Roller-Shutter Gate at the rear of back garden and opening onto laneway and replace with Timber Gates.

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 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.

Development Contributions

Proposed works	0sqm
Total assessable	0sqm

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Planning Reference Number	SD22B/0449
Summary of permission granted & relevant notes:	Removal of Roller-Shutter Gate at the rear of back garden and opening onto laneway and replace with Timber Gates
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

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Removal of roller gate and replace with timber gates.	0sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.069958

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Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, 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. (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

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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 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.

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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.

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REG. REF. SD22B/0449

LOCATION: Marula, Fairbrook Lawn, Rathfarnham, Dublin 14, D14N4A3



Deirdre Kirwan,
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: _____

Gormla O'Corrain,
Senior Planner