

# Comhairle Chontae Atha Cliath Theas

**PR/1551/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22B/0464      **Application Date:** 21-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 21-Oct-2022  
**Correspondence Name and Address:** Tristan Dunne 49, Grange Manor Drive,  
Rathfarnham, Dublin 16  
**Proposed Development:** 4.4m wide, 6m long, 2.6m to 2.9m high car port.  
**Location:** 49, Grange Manor Drive, Rathfarnham, Dublin 16  
D16 X4H1  
**Applicant Name:** Tristan Dunne  
**Application Type:** Permission

(EW)

### **Description of Site and Surroundings:**

Site Area: stated as 0.0220 Hectares.

#### Site Description:

The site contains a detached dwelling at the end of a cul de sac in a residential area. The subject detached dwelling is on an end of road location northwest corner site. The surrounding sites contain two-storey semi-detached dwellings. There is an existing wooden gate to the front of the site to the north, whilst lowering to a railing along the side boundary of the west.

### **Proposal:**

The proposal consists of *Permission* for the following:

- 4.4m wide, 6m long, 2.6m to 2.9m high car port.

### **Zoning**

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

### **SEA Sensitivity Screening**

- The site has no sensitivity overlaps .

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#### Consultations

Water Services – No report received, standard conditions.  
Roads Department – No report -subject to conditions (previous report noted).  
Public Realm Section – No report objections.

SEA Sensitivity Screening – no overlap is recorded.

#### Submissions/Observations /Representations

No submissions have been received.

#### Relevant Planning History

SD20B/0234 - **Permission Granted** for 5.8m x 4.6m car port; new vehicular access and driveway.

#### 1. Roads.

- (i) No part of the car port structure shall be over the public realm.
  - (ii) No roof water shall be directed onto the footpath to the front of the structure but shall be controlled with a gutter and downpipe and brought to a suitable underground surface water drain.
  - (iii) 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 3.5m widened driveway entrance.
  - (iv) Any gates shall open inwards and not out over the public domain.
- REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

SD18B/0274 – **Permission Granted** for the construction of a shed/workshop of 10sq.m to the side and front of the house. Construction of a steel garage 5.9m x 4m on the east side of the willow tree at the front of the house. Creation of a new vehicular access from the street to the proposed garage and closing off the existing driveway access with a 1.8m high timber fence and pedestrian gate.

#### Adjacent sites

None for subject proposal.

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#### Relevant Enforcement History

S8957 - Non compliance with condition 1 and 2(2) of PP SD20B/0234. (Last action date - 28-Jul-2022).

S8651 - extension roof encroaching public boundary wall & gate opening onto public spa. (Date opened 22-Feb-2021).

Comments from the Enforcement Department:

- *The owner hasn't included the gate (wooden) to the front of the house in his permission. He believes it is exempt.*
- *But structures in excess of 1.2 metres forward of the front building line is not exempt under class 5.*

The concerns from the Enforcement Department are noted regarding the height of the gate (wooden) to the front of the house. The circumstances can be addressed directly by the procedures of the Enforcement process as it would be challenging to incorporate into the subject planning proposal as deemed outside the remit of this application.

#### Pre-Planning Consultation

None regarding the current proposal.

#### Relevant Policy in South Dublin County Council Development Plan 2022 – 2028

Chapter 4 Green Infrastructure

Section 4.1 Methodology

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.

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.

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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

12.7.4 Car Parking Standards

*Policy IE2: Water Supply and Wastewater*

*Policy IE3: Surface Water and Groundwater*

*Policy IE4: Flood Risk*

*Policy IE7: Waste Management*

*Policy IE8: Environmental Quality*

*12.4.3 Riparian Corridors*

*12.5 Quality Design and Healthy Placemaking*

*12.7.4 Car Parking Standards*

*Table 12.26: Maximum Parking Rates (Residential Development)*

*12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

*12.7.6 Car Parking Design and Layout*

*12.11.1 Water Management*

*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 Quality Design and Healthy Placemaking*

*12.5.1 Universal Design -*

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, (2018).

*Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, Dublin Regional Authority & Mid-East Regional Authority, (2010).

*Traffic and Transport Assessment Guidelines*, National Roads Authority, (2007)

*Waste Management Plan for the Dublin Region 2005-2010*, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005)

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

*Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, Dublin Regional Authority & Mid-East Regional Authority (2010)

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

### **Assessment**

The main issues for assessment are:

- Zoning and council policy,
- Visual impact,
- Water Services and Drainage,
- Access and Roads,
- Appropriate assessment,
- Environmental Impact Assessment.

### ***Zoning & Council Policy***

The proposed development of a car port is not noted in principle with zoning objective 'RES': *'To protect and/or improve residential amenity'*. A carport does not appear on any of these lists. Therefore, proposals for carports are to be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives, and standards contained within the South Dublin County Development Plan 2022 – 2028. Particularly in relation to the zoning objective of the subject site.

### ***Visual and Residential amenity***

The carport has a mono pitched roof and would at its highest point be 2.9m and 4.4m in width. There are 6 beams that hold the entire structure that is an overall open structure. The proposed carport would provide for 1 parking space inside the front vehicular entrance for No. 49 Grange Manor Drive.

Having regard to the visual impact, it is noted that the existing site is located at the northwest end of the cul de sac. The carport structure is located behind wooden gates to the front of the existing dwelling; therefore, the visual impact is not considered negative in this instant. However, it is noted, the wooden gate structure is in excess of 1.2 metres and forward of the front building line. The Enforcement department therefore shall address this concern in separate detail as it is not exempt under class 5 of the Planning Act.

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While there are no similar type developments in the area the siting of the development at the end of a cul de sac on site as proposed would not be detrimental to the visual or residential amenity of the area. Noting the previous approval, a grant of permission is recommended.

### **Roads**

A report still needs to be received from the Roads Department. However, the same Roads conditions shall apply as outlined under the previous application; SD20B/0234, which was a similar proposal.

Roads.

*(i) No part of the car port structure shall be over the public realm.*

*(ii) No roof water shall be directed onto the footpath to the front of the structure but shall be controlled with a gutter and downpipe and brought to a suitable underground surface water drain.*

*(iii) 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 3.5m widened driveway entrance.*

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

*REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.*

### **Services & Drainage**

The proposal relates to a carport, the area of hardstanding to the east. A report has not been submitted from the drainage department; it is deemed however that standard conditions can be obtained coinciding with green infrastructure below.

### **Green Infrastructure**

The subject application provides for an open car port on an established suburban residential site. The site is not located within a Primary GI Corridor or 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). A **condition** for surface water shall include for SuDS measures in the form of water butts.

Having regard to the extent of private amenity grassland retained, and the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

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### **Parks**

Parks have no comments/conditions or objections on the subject proposal, and this is noted.

### ***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 of a car port.

Having regard to:

- the small scale and 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.

### ***Environmental Impact Assessment***

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***

The proposal for the followings:

Car port

Development contributions are Nil.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 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.

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### **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. Roads.
  - (i) No part of the car port structure shall be over the public realm.
  - (ii) No roof water shall be directed onto the footpath to the front of the structure but shall be controlled with a gutter and downpipe and brought to a suitable underground surface water drain.
  - (iii) 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 3.5m widened driveway entrance.
  - (iv) Any gates shall open inwards and not out over the public domain.REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.
3. The disposal of surface water shall accord with the requirements of the Planning Authority as follows:
  - (a) The surface water generated by the development (roof and pavements) shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar. There shall



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be no overflow to the public network. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and shall have no impact on neighbouring properties.

(b) If the applicant does not consider a soakpit a feasible solution, the applicant shall prove that by submitting a report signed by a suitably qualified Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for the written agreement of the Planning Authority thereafter for build-out

(c) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath.

REASON: In accordance with GI4 Objective 1 of the County Development Plan 2022-2028 and the South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022

#### **4. 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.

#### **5. Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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).

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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 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: 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.

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; please 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/0464

LOCATION: 49, Grange Manor Drive, Rathfarnham, Dublin 16 D16 X4H1



**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:** 07/12/22

  
**Gormla O'Corrain,**  
**Senior Planner**