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Record of Executive Business and Chief Executive's Order

Reg. Reference:SD22B/0076Application Date:17-Feb-2022Submission Type:AdditionalRegistration Date:29-Nov-2022

Information

Correspondence Name and Address: Daniel McKeogh Farbill House, Unit 6, Athlone

Road, Kinnegad, Co. Westmeath

Proposed Development: Retention of: (1) conversion of attic space at first

floor level for habitable use; (2) minor alterations to fenestration; (3) outdoor swimming pool and (4) all

ancillary site services.

Location: Hillview, Athgoe Road, Newcastle, Co. Dublin

Applicant Name:Paul BegleyApplication Type:Retention

(COS)

Description of Site and Surroundings

Site Area: stated as 0.6289 Hectares on the application.

Site Visit: 23rd of March 2022.

Site Description

The subject site is located on Athgoe Road to the south west of Newcastle village. The site consists of a two storey detached dwelling. The surrounding area is largely rural in nature with some existing residential dwellings including to the south west of the site.

Proposal

Permission is being sought for the **retention** of the following works:

- Conversion of attic space at first floor level for habitable use;
- minor alterations to fenestration;
- outdoor swimming pool and
- all ancillary site services.

Zoning

The subject site is subject to zoning objective 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture' under the South Dublin County Development Plan 2016-2022.

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Consultations

Water Services – no objection subject to conditions.

Irish Water – further information requested.

Roads Department – no objections.

Heritage Officer – no report received.

Transport Infrastructure Ireland – report received.

SEA Sensitivity Screening – the site overlaps with the following layers:

- Area of Archaeological Potential Newcastle.
- Record of Monument and Place Duchas No. 020-003 Newcastle Village.
- Site of Geological Interest SD010 Newcastle Buried Channel.

Submissions/Observations/Representations

No third party submissions received.

Transport Infrastructure Ireland has submitted a letter stating that they have no observations to make.

Relevant Planning History

Subject site

SD22B/0075

Permission for the following works: (1) Demolish existing garage; (2) erect new garage with solar PV panels on the south facing roof and (3) all ancillary site services. **Not yet decided concurrent application.**

SD07A/0674

Minor elevational and plan changes, including a revised roof and ridge profile, amended windows, single storey garden store incorporated into the rear of the house and amended rear wall profile, all to a previously permitted (Reg. Ref. SD06A/0466) part single storey, part 2 storey, 5 bedroom dwelling with integrated double garage and ancillary site works. **Permission granted.**

SD06A/0466

Demolish existing dwelling and construct new part single storey, part 2 storey, 5 bedroom dwelling with integrated double garage and ancillary siteworks. **Permission granted.**

Relevant Enforcement History

None identified in APAS.

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Pre-Planning Consultation

None identified in APAS.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

Section 2.4.1 Residential Extensions

Policy H18 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 H18 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 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Policy H27 Rural House and Extension Design

It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H27 Objective 1:

Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA–DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA–LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA–DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and
- Would not create or exacerbate ribbon or haphazard forms of development.

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Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.1 Energy Performance in Existing Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including attic conversions.

Elements of Good Extension Design

- Respect the appearance and character of the house and local area;
- Provide comfortable internal space and useful outside space;
- Do not overlook, overshadow or have an overbearing affect on properties next door;
- Consider the type of extension that is appropriate and how to integrate it; and
- Incorporate energy efficient measures where possible.

Attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

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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).

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).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Services and Drainage;
- Access and Parking;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is located within zoning objective 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture.' Residential development is Open for Consideration under this zoning objective subject to being in accordance with Council policy for residential development in rural area. Rural extensions should satisfy the requirements of Policy H27 of the County Development Plan.

This includes to ensure that new rural extensions comply with the following criteria under H27 Objective 1:

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; The development has not resulted in significant changes to the dwelling externally from what was previously permitted. The outdoor pool is located to the rear of the house and would not be highly visible from the surrounding area.
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; Further information should be requested in relation to the management of water for the pool.

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- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; The site is relatively flat (partly undulating). The development is for retention of changes to the existing dwelling and a pool.
- Retains and reinstates traditional roadside and field boundaries; **No impact on roadside** and field boundaries.
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; **Site is relatively flat** (undulating), and the dwelling is existing.
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; **The existing dwelling is served by the public foul water system.**
- Would not create or exacerbate ribbon or haphazard forms of development. **Not applicable as development is for changes to an existing dwelling.**

Visual and Residential Amenity

The development to be retained includes the conversion of the attic space at first floor level for habitable use. The floor to ceiling height of this floor level is approx. 2.4 m. The attic conversion includes a gym, balcony, storage, playroom, attic space, guest bedroom and wc. The bedroom would meet the minimum floorspace requirements of the County Development Plan. The balcony is to the rear and is well setback from site boundaries.

Retention is also sought for changes to the fenestration of the existing dwelling. This includes windows on the rear (north west) elevation and doors on the front (south east) and side (south west) elevations. These doors are to store and boiler rooms. External doors to these rooms were previously permitted and have been moved from what was permitted. Given the dwelling's proximity from existing residential development and site boundaries the fenestration changes are considered to be acceptable.

The outdoor pool is also proposed for retention. This is located to the rear of the dwelling. This is well setback from site boundaries.

In summary, the development for retention is considered to have an acceptable impact in terms of residential and visual amenity.

Services and Drainage

Water Services have reviewed the proposed development and have no objection subject to standard conditions. Irish Water have reviewed the proposed development and request further information in relation to the pool to be retained:

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1 Water

- 1.1 The applicant is required to provide details on how water is supplied to the existing swimming pool. If it is supplied via a public water supply, then the applicant shall provide details on water supply quantities required and frequencies of same. If this is supplied via the public system, then the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of existing connection to the public water infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at https://www.water.ie/connections/get-connected/.
- 1.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

2 Foul

- 2.1 The applicant is required to provide details on the quantities of discharge water from the pool to the existing public wastewater drainage network and frequencies of same. The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of existing connection to the public wastewater infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at https://www.water.ie/connections/get-connected/.
- 2.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

The reports from Water Services and Irish Water are noted. **Additional information in relation to the pool should be requested.**

Access and Parking

The Roads Department have reviewed the proposed development and state that no roads infrastructure is affected by the application, and they have no objections.

Screening for 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.

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Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involved changes to an existing dwelling.

Having regard to:

- the small scale and domestic 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

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the RU zoning of the site,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required, to ensure the proposed development would be in compliance with Council policy, would appropriately manage water supply and discharge from the pool and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Additional Information.

Additional Information

Additional Information was requested on the 13th of April 2022 13th October 2022 Period for submitting Additional Information extended by order dated 10th of October 2022 up to and including 23rd of January 2023

Additional Information was received on the 29th of November 2022 (not deemed significant).

South Dublin County Development Plan 2022-2028

Since the additional information request was issued, the South Dublin County Development Plan 2022-2028 has come into effect as of the 3rd of August 2022. <u>The additional information submitted will be assessed under this Plan</u>. The following policies and objectives are considered relevant to the proposed development:

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Policy GI1: Overarching Policy GI2: Biodiversity

Policy GI4: Sustainable Drainage Systems

Policy QDP7: High Quality Design – Development General

Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design,

urban form and architecture.

Policy QDP11: Materials, Colours and Textures

Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H11: Privacy and Security

Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

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

Policy H23: Rural Housing and Extension Design

Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H23 Objective 1:

Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and

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- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and
- Would not create or exacerbate ribbon or haphazard forms of development.

Policy E3: Energy Performance in Existing and New Buildings

- 12.3.1 Appropriate Assessment
- 12.3.2 Ecological Protection
- 12.3.3 Environmental Impact Assessment
- 12.3.5 Landscape Character Assessment
- 12.4.2 Green Infrastructure and Development Management
- 12.6.7 Residential Standards
- 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.

12.6.9 Rural Housing

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.11.1 Water Management

Assessment

Item 1 Requested

(a) The applicant is requested to provide details on how water is supplied to the existing swimming pool. If it is supplied via a public water supply, then the applicant shall provide details on water supply quantities required and frequencies of same. If this is supplied via the public system, then the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of existing connection to the public water infrastructure. The Confirmation of Feasibility (COF) must be submitted to the

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planning department as the response to this further information request. Pre-connection enquiries can be made at https://www.water.ie/connections/get-connected/.

(b) The applicant is requested to provide details on the quantities of discharge water from the pool to the existing public wastewater drainage network and frequencies of same. The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of existing connection to the public wastewater infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at https://www.water.ie/connections/get-connected/.

Applicant's Response:

The water is supplied from the public water supply. The volume of water required to fill the pool from empty is 72.675 cubic metres or 72675 litres. The peak water demand when filling the pool is 0.5l/s. The pool requires 450 litres once every four weeks. The pool water is treated by an automated chlorine dosing system. The waters are constantly recycled and filtered. The filters backwash once every four weeks into the public wastewater network, as recommended. This backwash cycle creates a discharge of 450 litres at 0.6l/s.

The applicant has submitted a confirmation of feasibility letter from Irish Water. This notes that water supply and wastewater connections are feasible without an infrastructure upgrade. The letter notes the following in summary:

- That no new/additional connections are proposed
- Water conservation measures should be considered regarding the existing pool
- The water from the existing pool has to be discharged in a safe manner. The owner needs to be mindful of the general obligations of the Water Services Act due to the potential discharge of wastewater high in chlorine levels.

Assessment:

It is considered that this item has been satisfactorily addressed.

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Development Contributions

Retention for the conversion of attic space for habitable use Assessable area = 135sq.m

Planning Reference Number	SD22B/0076
Summary of permission granted &	Residential extensions
relevant notes:	
Are any exemptions applicable?	No
If yes, please specify:	N/A
Is development commercial or	Residential
residential?	
Standard rate applicable to	104.49
development:	
% reduction to rate, if applicable	0
(0% if N/A)	
Rate applicable	€104.49
Area of Development (m2)	135
Amount of Floor area, if any, exempt	0
(m2)	
Total area to which development	135
contribution applies (m2)	
Total development contribution due	€14,106.15

SEA monitoring

Building Use Type Proposed: Attic conversion and pool

Floor Area: 135sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.6289 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028 and South Dublin County Council House Extension Design Guide (2010),
- the RU zoning of the site,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the

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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 Retention 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 to be in accordance with submitted plans and details.
 - The development shall be retained and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 29th of November 2022, 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. Drainage Irish Water.
 - (a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (b) 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.
 - (c) All works shall comply with the Building Regulations -Technical guidance document-Part H Drainage and Wastewater disposal.
 - (d) All works for this development shall comply with the requirements of 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.

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3. Restriction on Use.

The house and the 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.

4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €14, 106.15 (Fourteen thousand one hundred six euros and fifteen 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.

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.

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REG. REF. SD22B/0076 LOCATION: Hillview, Athgoe Road, Newcastle, Co. Dublin

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 Retention 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: <u>12/12/22</u>

Gormla O'Corrain, Senior Planner