

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

**Reg. Reference:** SD22B/0457      **Application Date:** 18-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 18-Oct-2022  
**Correspondence Name and Address:** ONOR Planning & Design Carricknabrick,  
Loughduff, Co. Cavan  
**Proposed Development:** Detached gym and utility room in rear garden with  
connection to existing services and all associated site  
works.  
**Location:** 10, Whitethorn Way, Dublin 22  
**Applicant Name:** Erica Kinsella  
**Application Type:** Permission

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

Site Area: stated as 0.0203682 hectares on application form.

### **Site Description:**

The subject site is located on Whitethorn Way residential street in Ballyfermot. The subject dwelling is a two-storey, semi-detached dwelling with a pitched roof profile and Dutch or half hip element on one side. The front garden/amenity area consists of a vehicular entranceway and grass surface amenity area. A side access lane on the side elevation leads to the rear of the site. The surrounding streetscape is characterised by dwellings of similar style and appearance and uniform building line. The street itself contains on-street parking with a concrete footpath, grass verge with some mature trees on one side. A grassed area with hedgerow separates Whitethorn Wy from Covehill Road to the opposite side of the street of the subject dwelling.

### **Proposal:**

The proposed development consists of permission for the following:

- Detached gym and utility room in rear garden with connection to existing services and all associated site works.

### **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.

### **Consultations:**

Water Services/Drainage -	No report received at time of writing.
Irish Water -	No report received at time of writing.
Parks Section -	No objection subject to <b>conditions</b> .
Roads -	No objections

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

*SEA Sensitivity Screening* - No overlap indicated with the relevant environmental layers on SEA mapping tool.

### **Submissions/Observations /Representations:**

Submission expiry date – 21/11/2022

No submissions or observations were received.

### **Relevant Planning History:**

#### ***Subject Site:***

None identified on APAS.

#### ***Adjacent sites:***

SD10B/0248 - 1, Whitethorn Way, Palmerstown, Dublin 20

Retention of front canopy, single storey side and rear extensions, with 6 Velux, and garden shed.

#### **Grant Permission for Retention.**

No other significant relevant Planning History in the vicinity of the subject site.

### **Relevant Enforcement History:**

None identified for subject site on APAS.

### **Pre-Planning Consultation:**

None identified on APAS for subject site.

### **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).*

#### ***Policy G11: Overarching***

*G11 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.*

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

*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.*

*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.*

*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*

*Section 12.5.8 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.*

### **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.

#### **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.'*

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

### **Overbearing Impact**

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

### **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).

### **Assessment**

The main issues for assessment relate to:

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

### ***Zoning and Council Policy***

The development comprising of a single storey structure is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity.' As the gym structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2022-2028.

### ***Residential and Visual Amenity***

The current application shall be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010).

# Comhairle Chontae Atha Cliath Theas

PR/1585/22

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

The proposed development seeks permission for the construction of a single storey gym/utility structure with an approximate floor area of 23sqm to the rear of the applicant's site. The structure would be c5.8m in width almost the width of the site with 0.426m access space to the side of the structure on the northern boundary. 0.799m of access space will remain behind the proposed structure from the rear boundary wall. The structure has a flat roof profile with a slight pitch from front to back as the height of the structure is 3.75m at the rear elevation and reduces to 3.05m at the front elevation. There is 1 No. door measuring 1.0m in width and 2 No. windows in the front (western) elevation and 1 No. window in the side (northern) elevation measuring 0.6m in width.

It is noted that there are a number of similar detached structures at the rear of the adjoining and surrounding properties. The proposed structure would appear to be bordered on 2 sides by buildings/sheds of similar size and construction on adjoining neighbouring properties. According to the drawings provided by the Applicant, the single storey structure has a height of approximately 3.0m rising to 3.7m. In this instance, having regard to the separation distance of 0.425m to the party boundary to the north and the height of the structure, it is considered that there is unlikely to be a significant adverse impact on the residential and visual amenity of adjoining properties.

The Application does not state that the single storey structure shall be operated separately to the main dwelling. According to the floorplans provided with the Planning Application, the structure is proposed to contain a gym and utility room. It is noted that no kitchen type facility or facilities are proposed within the development. These uses would appear to be ancillary to the main dwelling. However, should permission be granted for the development, a **CONDITION** should be attached ensuring that the structure cannot be operated, leased or sold separately to the main dwelling and that the gym shall not be operated for commercial purposes.

In terms of private amenity space for the subject site, the Site Layout Plan is deficient of information regarding: (a) the private amenity space that would remain to the rear of the main dwelling following the construction of the structure and (b) the number of bedrooms within the main dwelling to allow for the calculation of private amenity space as required by Table 3.20: Minimum Standards for Housing in Section 12.6.7 Residential Standards of the CDP. Thus, it is difficult to assess the subject development in the context of the private amenity. According to the drawings provided by the Applicant, approximately 39sqm of rear private amenity space would remain behind the building line of the main dwelling. The structure would be located approx. 7.3m from the rear elevation of the existing dwelling. The remaining rear amenity space is considered to be sufficient in this instance.

It is noted that the drawings are titled Prefab Gym and Utility, leading the authority to assume that the structure will not be constructed of blocks and mortar. The proposed materials and

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

finishes of the structure are not indicated. It should be **conditioned** that all external finishes shall harmonise in colour or texture that is complementary to the house or its context.

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.

### ***Services and Drainage***

No report was received from Water Services, Irish Water or the Environmental Section at the time of writing, however, it is deemed appropriate that standard conditions for sustainable water measures can be obtained by means of **condition**.

### ***Roads***

The roads department of the council have reviewed the application and have no objection to the proposed development. Vehicular access to the subject site will remain unchanged.

### ***Green Infrastructure***

The subject application provides for a relatively small increase in the footprint of the subject site by adding a gym/utility building on an established suburban residential site. It is noted however, that the site is located within a Primary GI Corridor: M50 Corridor 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).

It is noted that the Public Realm department of the council have indicated that a condition be added in the event of a grant in permission stating the following:

*'The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:*

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- *Proposed GI protection, enhancement, and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- *Proposals for identification and control of invasive species where appropriate, for the site*

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

*REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.'*

Given the size, scale and nature of the proposed development, it is deemed appropriate in this instance that the development will not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site and a full GI assessment and plan 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 construction of a detached gym and utility room in rear garden with connection to existing services and all associated site works.

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	23sqm
Non habitable works	<u>23sqm</u>
Total assessable	<b>0sqm</b>

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

<b>Planning Reference Number</b>	<b>SD22B/0457</b>
<b>Summary of permission granted &amp; relevant notes:</b>	Detached gym and utility room in rear garden with connection to existing services and all associated site works. 23sqm proposed - non habitable
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	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.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	23.00
<b>Amount of Floor area, if any, exempt (m2)</b>	23.00
<b>Total area to which development contribution applies (m2)</b>	0.00
<b>Total development contribution due</b>	<b>€0.00</b>

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – Gym/utility building	23sqm
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0203682

### **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.



# **Comhairle Chontae Atha Cliath Theas**

**PR/1585/22**

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

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.  
(b) Drainage - Irish Water.  
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.  
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.  
(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.  
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.  
(c) Minimise Air Blown Dust.  
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

**REASON:** In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(d) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

**REASON:** In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

3. The Gym/Utility shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

# **Comhairle Chontae Atha Cliath Theas**

**PR/1585/22**

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

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

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant 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.

# Comhairle Chontae Atha Cliath Theas

**PR/1585/22**

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

**REG. REF. SD22B/0457**

**LOCATION: 10, Whitethorn Way, Dublin 22**



**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:** 12/12/22

  
**Gormla O'Corrain,  
Senior Planner**