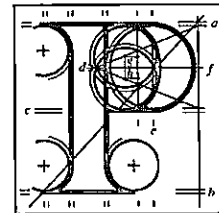


Our Case Number: ABP-315464-23

Planning Authority Reference Number: SD22B/0454



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

**LAND USE, PLANNING
& TRANSPORTATION DEPT.**

- 9 JAN 2023

Date: 06 January 2023

Re: Conversion of attic space comprising modification of roof structure, raising of gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.
2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

Teil	Tel	(01) 858 8100	
Glaio Áitiúil	LoCall	1800 275 175	
Facs	Fax	(01) 872 2684	
Láithreán Gréasáin	Website	www.pleanala.ie	
Ríomhphost	Email	bord@pleanala.ie	

64 Sráid Maoibhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

The Secretary

An Bord Pleanála

64 Marlborough Street

Dublin 1

03 01 2023

4 Wainsfort Manor Drive

Terenure

Dublin 6W

D6WA218

To whom it concerns,

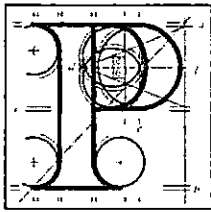
AN BORD PLEANÁLA	
LDG-	<u>060238-23</u>
ABP-	_____
03 JAN 2023	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time:	<u>15:10</u> By: <u>hand</u>

Please find enclosed

- Planning Appeal Form
- Cheque Valued @ €220.00
- South Dublin County Council Acknowledgement Document
- Comhairle Chontae Atha Cliath Theas - PR/1579/22 - Record of Executive Business and Chief Executive's Orde
- Copy of Existing Rear Elevation (figure4)
- Image 1 - Correct Rear Image
- Image 2 – Dining Room Overlooked
- Image 3 – Patio Would be Overlooked

Thanking You
Best Regards

Bernard Mullins



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Bernard Mullins

(b) Address

4 Wainsfort Manor Drive
Terenure, Dublin 6W, D6WA218

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

South Dublin County Council

(b) Planning authority register reference number

(for example: 18/0123)

SD22B/0454

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

2 Wainsfort Manor Drive, Terenure, Dublin 6W

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Grounds for appeal:

Existing Rear Elevation Design submitted with the Planning Application

Please note that the Existing Rear Elevations form (**Figure 4**) submitted with the planning application documents does not contain an up-to date view of the rear of our home. This matter was raised in our Planning Observation but in my opinion, this was not addressed correctly. This should have been addressed before this application was determined to ensure an accurate assessment of the site in context.

Existing Rear Elevations - Figure 4 shows number 2 Wainsfort Manor Drive as it is today but shows number 4 Wainsfort Manor Drive as it was about 24 years ago. We had built a conservatory initially and later that was replaced with a dining room. Roof window (for light) in our dining room would be overlooked.

See Figure 4: Existing Rear Evaluation

See Image 1: Correct rear view of 4 Wainsfort Manor Drive

=====
Please refer to

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

Page 6/7 - Residential and Visual Amenity

Having regard to the receiving context of the subject site and the scale of the proposed dormer it is considered that the proposal would not be materially harmful to neighbouring residential amenity in terms of overshadowing and overbearing. Although there is potential

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

for the proposed dormer window to overlook the rear amenity space of adjacent property, it is not considered that it would be materially worse than views from the existing first floor windows and therefore would not give rise to unacceptable levels of overlooking. Overall, it is considered that the proposal would not have an adverse impact on the residential and visual amenity of the subject site and adjacent properties.

I wish to state that this is not the case, our patio area is not overlooked currently.

Please see image3 – Patio Area

Page 7 - Attic Room

The proposed dormer window would also not overlook any habitable rooms of the adjoining neighbouring dwelling No.4 Wainsfort Manor Drive.

I wish to state that this is not the case, our dining area would be fully overlooked

Please see Image 2 – Dinning Room Overlooked

=====

Overlooking:

Overlooking and Loss of Privacy. The privacy within our home and rear open space was a determining factor in the purchase of this property. The College Square estate to the rear of Wainsfort Manor Drive was developed in 2005 under planning reg. ref. **SD04A/0242** and it was determined within that application that the third storey of the dwellings could have no windows to ensure homes on Wainsfort Manor Drive would not be overlooked.

Elements of Good Design include not to overlook, overshadow or to have an overbearing affect on properties next door.

The proposal does overlook a habitable room (dining room)

See Image 2: Dining Room – Two Roof windows Overlooked

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

=====

Loss of Privacy:

The proposed extension to No. 2 Wainsfort Manor Drive would have a detrimental impact on the privacy enjoyed within our rear garden area through direct overlooking. The proposal effectively changes the subject dwelling from two storey to three storeys with large dormer windows which would have an unobstructed view in to our rear garden and private patio area. **Currently our patio area is not overlooked.**

See Image 3: Patio Area Would be Overlooked

=====

Daylight and Sunshine:

The applicant did not submit any assessment documentation in relation to the impact the proposed development may have on the daylight and sunlight receivable in our rear garden space and the rear upper windows of our property. As outlined in **SDSS House Extension Guide 2010**, the importance of ensuring that daylight and sunlight provision is protected for neighbouring properties when extensions to existing dwellings are proposed. At present, we spend a lot of time in our rear garden and patio area, particularly in the summer and any deterioration of the quality of daylight and sunlight in the garden would be considered detrimental to the enjoyment of our home. Also, I am unsure of how much light loss will occur to the upper rear rooms.

=====

Depreciation of the value of our home:

The value of properties in this section of Wainsfort Manor Drive, where mature trees line the rear boundaries, are consistently recorded as higher than others in the area as a direct result of the privacy enjoyed within the houses and also the rear gardens.

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

=====

Other Notes.....

Section 6.8.2 of the South Dublin County Development Plan outlines overarching policies relating to residential extensions. Policy H14 states that the Council will "support the extension of existing dwellings subject to the protection of residential and visual amenities

Policy H14 is broken down to Objectives with Objection 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)".

Within Chapter 12: Implementing and Monitoring of the Development Plan, the following is stated in relation to residential 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". Additionally, in line with appropriate planning policy for sustainable development, any proposal must have regard to the site context and existing built character of the surrounding environment. The existing character of an area should be respected, and every effort made to protect existing residential amenities and services for the area in which any new development is proposed. As we will further outline below, this is not the case in relation to the proposed development.

4.0 South Dublin County Council House Extension Design Guide, 2010

The South Dublin County Council House Extension Design Guide sets out appropriate standards in relation to ensuring high quality, sustainable extensions to homes. The Guide sets out the following five 'Elements of Good Extension Design'; I. **Respect the**

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

appearance and character of the house and local area II. Provide comfortable inside space and useful outside space III. **Do not overlook, overshadow or have an overbearing effect on properties next door** IV. Consider the type of extension that is appropriate and how to integrate it V. Incorporate energy efficient measures where possible in relation to the subject proposal, Elements III and IV form the basis of my objections. III. **Do not overlook, overshadow or have an overbearing effect on properties next door** Section III of the Guide details appropriate design features to ensure that no inappropriate overlooking and loss of privacy occurs as a result of an extension. This is also particularly important 6 in relation to Daylight and Sunlight provision. In relation to Daylight and Sunlight, the Guide notes that "In designing an extension, it is important to ensure that not only do rooms in the new extension have good access to daylight and sunlight, but also that the extension itself through its location or height, will not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties or severely overshadow them". Other relevant policies in this section include; • **Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions** (but always ensure the design complies with necessary fire regulations) o **reposition the window so it is not facing directly into a window in the adjoining property**, o insert a high level window with a sill level of 1.7m or higher above the internal floor level of the room, o use angled windows with directional views if the window is at ground floor level, o provide a fence or wall to screen it • **Arrange the internal layout of habitable rooms within an extension so that windows will allow a reasonable level of light into the rooms but won't directly overlook windows to habitable rooms or the private patio or sitting-out area of neighbouring properties.**

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





RW Nowlan & Associates
{re. Bernard Mullins}
37 Lower Baggot Street
Dublin 2.

Date: 21-Nov-2022

Dear Sir/Madam,

Register Ref: SD22B/0454
Development: Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable e/w window and dutch hip, new access stairs and flat roof dormer to the rear.
Location: 2 Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10
Applicant: James & Emma Mulhern
Application Type: Permission
Date Rec'd: 18-Oct-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "*Notify me of changes*" and click on "*Subscribe*". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,


for Senior Planner

B

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0454 **Application Date:** 18-Oct-2022
Submission Type: New Application **Registration Date:** 18-Oct-2022
Correspondence Name and Address: Carol Forbes 38, Larkfield Avenue, Lucan, Co. Dublin
Proposed Development: Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.
Location: 2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10
Applicant Name: James & Emma Mulhern
Application Type: Permission

Description of Site and Surroundings:
Site Area: stated as 0.0336548 hectares on application form.

Site Description:
The subject site is located along Wainsfort Manor Drive residential street. The subject dwelling is a two-storey semi-detached dwelling with a hipped roof profile. The external finish on the front elevation of the dwelling comprises of red brick. The surrounding streetscape is characterised by dwelling houses of similar design and appearance and uniform building line. Wainsfort Manor Drive is a residential street/estate with grass verge with mature trees and footpath. A grass surface public open space/amenity area with mature trees exists to the side of the subject dwelling.

Proposal:
The proposed development consists of permission for the following:

- Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip with new access stairs
- Flat roof dormer to the rear.

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.

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

Consultations:

Surface Water Drainage Section - No report received at time of writing.
Irish Water - No report received at time of writing.
Parks - No objections subject to **conditions**.
Roads - No objections.

SEA Sensitivity Screening - Indicates no overlap with the relevant environmental layers.

Submissions/Observations /Representations:

Submission expiry date – 21/11/2022

One submission was received objecting to the proposed development.

Points raised:

1. Overlooking and loss of privacy from proposed dormer window into rear garden of neighbouring property.
2. Daylight and Sunlight Impact of proposed development on the rear garden of neighbouring property.
3. Would set negative precedent for such kind of development in the location in future.
4. Not sufficient documentation to address concerns of neighbouring property.

The issues raised in the third-party submission have been considered in assessing this planning application.

Relevant Planning History:

Subject Site:

None identified on APAS.

Adjacent sites:

SD15B/0142 - 63, Wainsfort Manor Drive, Dublin 6w

Conversion and extension of attic to include raising of roof to side of house, installation of 'Velux' roof lights to rear of house and installation of window to side of house.

Grant Permission.

SD10B/0402 - 85, Wainsfort Manor Drive, Dublin 6w

The conversion and extension of attic to include raising of roof to side of house, installation of Velux roof lights to rear of house and installation of window to side of house.

Grant Permission.

SD18B/0081 - 20 Wainsfort Manor Drive, Dublin 6W, D6W EP94.

First floor side extension over an existing ground floor extension including alterations to existing roofs at ground and first floor levels, a window to the gable at first floor and conversion of attic

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

to storage including a dormer window to the rear and 2 'Velux' roof lights to the sides all at roof level.

Grant Permission.

SD20B/0453 - 89, Wainsfort Manor Drive, Terenure, Dublin 6W

Attic extension by extending the existing roof ridge line & raising the side/gable wall to form a 'Dutch' hip to the existing pitched roof, complete with new dormer window to rear elevation, new attic conversion to include 'Velux' roof windows to front & rear elevations and to increase the height of the stairwell/landing window (finished in frosted glass) within the side elevation, together with associated site works.

Grant Permission.

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).

H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

Policy GII: Overarching

GII 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.

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.

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

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 and specific guidance on dormer windows:

For 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;*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch;*
- *Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);*
- *Relate dormer windows to the windows below in alignment, proportion and character;*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*
- *Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.*

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

Side Extensions:

- *Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*
- *Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.*
- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.*

Elements of Good Extension Design:

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- X • *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'.*

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
- Parks
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' The development that consists of the build-up of existing hip in roof to side of roof into dutch hip, attic conversion with dormer roof window in rear slope of roof, is permitted in principle subject to its accordance with the relevant provisions in the Development Plan and South Dublin County Council House Extension Design Guide (2010).

Residential and Visual Amenity

Creation of half hip and dormer window

The proposal for the subject site involves the creation of a half hip or 'Dutch' hip roof profile at attic level to allow for the conversion of attic to serve a 25sqm attic room/space with new dormer window to the rear of the roof structure. The chimney is not proposed to be moved or altered by the development. The current hipped roof profile is proposed to be extended out by c3.6m on the ridgeline to create the proposed half hip/dutch hip roof. A dutch hip measuring 0.612m is proposed for the final meter of the roof.

The proposal for the creation of the Dutch or half hipped roof profile is contrary to the guidance stated in the House Extension Design Guide 2010 which has the following policy:

Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

Although the proposed development is somewhat divergent from the Design Guide policy, this is mitigated by the precedents which have been established along Wainsfort Manor Drive, which contains several dwellings of a similar form and appearance that have permitted and constructed half hip or 'Dutch' roof developments. The change in roof profile therefore, having regard to similar type of developments in the area would be visually acceptable and not out of context with the wider area. Therefore, the proposed development would be visually acceptable.

The following extract from the South Dublin House Extension Design Guide (2010) in relation to dormer extensions is of note:

'Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch

'Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses)'

The proposed dormer appears to be located at least 3 No. tile courses above the eaves line and least 100mm below the ridge line of the existing dwelling. Having regard to the receiving context of the subject site and the scale of the proposed dormer it is considered that the proposal would not be materially harmful to neighbouring residential amenity in terms of overshadowing and overbearing. Although there is potential for the proposed dormer window to overlook the rear amenity space of adjacent property, it is not considered that it would be materially worse

THE DRAWING NOT CORRECT

Comhairle Chontae Atha Cliath Theas

PR/1579/22

Record of Executive Business and Chief Executive's Order

than views from the existing first floor windows and therefore would not give rise to unacceptable levels of overlooking. Overall, it is considered that the proposal would not have an adverse impact on the residential and visual amenity of the subject site and adjacent properties. Whilst the ridge line and general shape of the proposed amendments to the roof profile largely matches that of the existing house, it is noted that the half-hipped profile element of the roof is considered to be 'minimalist' in nature. To avoid an imbalance with the adjoining property and ensure continuity with the existing roof profile and to allow the proposed development to seamlessly integrate into the existing streetscape, it is preferable that the proposed roof profile facilitate a greater proportion of the half hip element. In this regard a slight re-design is required to ensure the provision of the half-hipped roof profile has a greater element from the current 0.612m in distance. This would avoid an imbalance in roof profiles with the adjoining dwelling. The Planning Authority is satisfied that this can be achieved by way of **CONDITION**.

Side gable window

A 750mm x 900mm window is proposed in the raised gable wall on the side elevation of the subject dwelling. The window will serve the access stairs to the attic room which is a non-habitable area. The window overlooks a public open green space with mature trees. It is not considered that the window would be materially worse than views from the existing first floor windows and therefore would not give rise to unacceptable levels of overlooking and is deemed acceptable.

Visual

The materials for proposed dormer and roof extension are specified on the application to match with existing materials and finishes. It can be noted through **condition** that all the materials used shall harmonise in colour or texture that is complementary to the existing dwelling.

Attic Room

The proposal does not state whether the attic room would be used for habitable use. Building regulations require the minimum ceiling height of 2.4m for a habitable room. This can be dealt with by way of **note** in the event of a grant of permission. The dormer window would be located c19m from the rear boundary of the subject site and c27m of the dwelling to the rear (No.24 College Square), which is acceptable and in line with guidance in the South Dublin County Council House Extension Guide (2010). The proposed dormer window would also not overlook any habitable rooms of the adjoining neighbouring dwelling No.4 Wainsfort Manor Drive.

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

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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**.

Parks

The public realm department of the council have reviewed the application and have no objection to the development subject to **conditions**. The following report was received:

The following condition is recommended to be applied:

Protection of Street Trees in Grass Margins

1. The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. NCBH11 Objective 3.

The street tree that is subject to the comments of the parks department is located in the grass verge to the east of the vehicular access to the site and away from the boundary wall. It is however, considered appropriate that the above **condition** is attached in the event of a grant of permission.

Roads

The roads department of the council have reviewed the application and 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 house on an established suburban residential site. It is noted that the site appears not to be located within a Primary GI Corridor or Secondary 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).

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

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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 conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip and flat roof dormer to the rear.

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	25sqm
Total Assessable	0sqm (Non Habitable)

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Planning Reference Number	SD22B/0454
Summary of permission granted & relevant notes:	Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip with New access stairs, Flat roof dormer to the rear. Proposed Works - 25sqm
Are any exemptions applicable?	Yes
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)	25
Amount of Floor area, if any, exempt (m2)	25.0
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 – attic conversion/dormer window/roof extension.	25sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0336548

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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) Restriction on Use.
The house and the proposed 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.

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(c) 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.

(d) 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.

(e) 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

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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. Prior to the commencement of development the Applicant shall submit to the planning authority amended plans, sectional and elevational drawings for the proposed development indicating the following amendment:
 - (a) Amendment of the proposed roof profile of the dwelling to increase the half-hipped element of the profile.

REASON: In the interests of adherence to the South Dublin House Extension Design Guide (2010) and the proper planning and sustainable development of the area.

4. 1. Protection of Street Trees in Grass Margins
The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. NCBH11
Objective 3

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

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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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

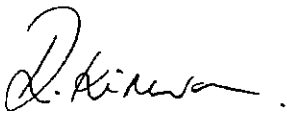
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REG. REF. SD22B/0454

LOCATION: 2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10



**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**