

Comhairle Chontae Atha Cliath Theas

PR/0008/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0402 **Application Date:** 08-Sep-2022
Submission Type: Significant **Registration Date:** 01-Dec-2022
Additional
Information

Correspondence Name and Address: PMK Architects 'Sycamore Lodge', Barrenhill,
Sutton, Dublin 13

Proposed Development: Single storey kitchen extension to existing kitchen at
rear and for a new single storey granny
accommodation to rear consisting of two bedrooms,
bathroom, lounge kitchen and off street car parking
all to rear of existing shop / house.

Location: 1, Orchardstown Park, Dublin 14

Applicant Name: Rajendra Naik & Kumud Naik

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area

Stated as 300sqm (0.03Hectares).

Site Description

The application site is located on Orchardstown Park with rear access from Washington Lane off Anne Devlin Road. The existing dwelling is a retail unit at ground floor level fronting on to Orchardstown Park with off-street perpendicular parking to the front of the unit with residential use over the shop. It is an end of terrace unit with a pitched roof. The existing forms part of a predominantly retailing parade but the area in general can be characterised as residential in nature.

Proposal:

The development will consist of:

- Single storey kitchen extension to existing kitchen at rear.
- New single storey granny accommodation to rear consisting of two bedrooms, bathroom, lounge kitchen and off street car parking all to rear of existing shop / house.
- Total area of works 94sqm.

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Zoning:

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Consultations:

Irish Water - No report received at time of writing.

Water Services – No report received at time of writing.

Roads Department – No objections subject to conditions.

SEA Sensitivity Screening

None recorded.

Submissions/Observations /Representations

None

Relevant Planning History

Subject Property

S96A0517 – **Permission Granted** for change of use, store to retail, refurbishment to utility room.

XB1510 – **Permission Granted** for extension and alternations to rear of 1, Orchardstown Park.

Adjacent sites:

SD16B/0396 - 11, Orchardstown Park, Rathfarnham, Dublin 14 – **Permission Granted** to demolish single storey side and front extension, detached store area to rear of house and large detached shed/garage at the end of rear garden. Construct a two-storey side and part single storey front extension, single storey rear extension and large single storey greenhouse/store at the end of the rear garden with an altered vehicular access onto Washington Lane.

SD18B/0292 - 27, Orchardstown Park, Dublin 14 – **Permission Granted** for conversion of existing attic space to a study with shower room, with a dormer window to the rear and a rooflight to the front roof plane.

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded.

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

6.8.2 Residential Extensions

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

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

6.8.3 Family Flats

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated. Policy

H15: Family Flats Support family flat development subject to the protection of residential and visual amenities.

H15 Objective 1: To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.

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.

G12 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.

G14 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

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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.

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 are

- Zoning and Council policy
- Planning Note
- Residential and Visual amenity
- Drainage
- Roads
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Council Policy

A development comprising of the construction of a single storey kitchen extension to existing kitchen at rear, new single storey granny accommodation to rear consisting of two bedrooms, bathroom, lounge kitchen and off street car parking all to rear of existing shop / house would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Family Flats

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;

No documentation or correspondence was received from the applicant to demonstrate a genuine need for a family flat and **Additional Information** should be sought to confirm the requirement.

- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;

The first-floor residential area of the existing dwelling is approximately 75sqm whereas the proposed Family Flat extension is stated as 95sqm and therefore does not meet this criterion. It should be noted that the property including the existing retail unit totals 195sqm. The applicant should reduce the area of the proposed development or consider readvertising the proposed development as a separate flat rather than a Family Flat. This information should be provided by way of **Additional Information**.

- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;

There is a separate access to the west of the main retail entrance which provides access to the first-floor residential accommodation and to the rear amenity space and proposed Family Flat which is **acceptable**.

- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;

There are two external doors. The first set of bifold doors provides access to a rear amenity space (internal courtyard) of 69sqm. The other external door provides separate access to the rear including

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a car space but given the amenity space will be an enclosed courtyard, this is considered an escape route in case of fire and is therefore **acceptable**.

- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed, or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

It is considered appropriate that a **condition** in relation to the above be attached in the event of a grant of permission.

The applicant is required to address the issues as highlighted by **Additional Information**.

Residential and Visual Amenity

The proposed family flat incorporates a flat roofed extension directly from the rear wall of the existing extension at a ridge height of 3.4m to the parapet which would not be overbearing or result in any overshadowing of the attached property to the west or the neighbouring units to the east and is therefore acceptable.

A mono-pitch roof treatment extends along the proposed new link corridor which connects the proposed family flat and the existing property. The ridge height of the proposed linkage is approximately 3.4m and extends along the boundary wall to the east and will continue from the existing single storey flat roofed extension to the eastern elevation. This is deemed to be excessive, especially as the structure would effectively enclose the rear private open space of three neighbouring dwellings. Particular concern is maintained in respect of the impact on No. 28 Anne Devlin Road, owing to the limited depth of the rear open space area of this unit. It is considered that an acceptable design solution could be achieved, with a significantly reduced ridge height. It is recommended that additional information should be sought in this regard.

The proposed Family Flat incorporates a gable pitched roof with a ridge height of 5.4m which would be overbearing for the neighbouring units to east and west and would result in an unacceptable level of overshadowing and should be reduced in line with the ridge height of the existing and proposed rear extensions at 3.4m which should be sought by **Additional Information**. Additionally, the applicant should consider maintaining one roof treatment for the entire of the proposed development.

Drainage

No report was received from Water Services or Irish Water at the time of writing, but it is considered appropriate that **additional information be sought from the applicant to demonstrate** the appropriate treatment of Sustainable Urban Drainage Systems (SuDS). It is noted that the proposed development is located within an acceptable distance of any existing Irish Water infrastructure as per the Irish Water maps.

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Roads

The roads department have **no objections subject to conditions** and submitted the following report:

No Roads objections subject to the following conditions:

1. *All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

The recommended condition is not enforceable as a planning condition and should not be attached. Notwithstanding this, a **condition** restricting gates opening on to a public laneway should be attached in the event of a grant of permission.

Green Infrastructure

The subject application provides for a substantial increase in the footprint of the subject property in the context of the site on an established suburban residential/retail site. The site is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

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

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential/retail area and comprises of the construction of a single storey kitchen extension to existing kitchen at rear, new single storey granny accommodation to rear consisting of two bedrooms, bathroom, lounge kitchen and off street car parking all to rear of existing shop/house.

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.

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.

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Development Contributions

Planning Reference Number	SD22B/0394
Summary of permission granted & relevant notes:	Residential Extension – 94sqm. Previous Extensions total 46.6sqm.
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)	94
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	94
Total development contribution due	€ 9,822.06

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 94sqm

Land Type: Urban Consolidation.

Site Area: 0.03Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, **additional information** is required from the applicant to address the issues highlighted in this report.

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Recommendation

Further Information Requested on 28/10/2022.

Further Information Received on 01/12/2022.

Consultations:

Water Services – No report received at the time of writing.

Parks – No report received at the time of writing.

Roads – No report received at the time of writing.

Assessment

In response to the Additional Information request, the applicant submitted the following:

- Cover Letter
- Revised Ground and 1st Floor Plans for Additional Information
- Revised Section Drawing for Additional Information
- Revised Elevations for Additional Information
- Revised Block Plan for Additional Information
- Revised Site Notice and Newspaper Advertisement

Planning Note

The applicant has returned the information requested as Significant Additional Information rather than Additional Information as requested which is appropriate given the nature of the development.

Item 1:

Design Modifications

The Planning Authority maintains concerns in relation to height and associated impact of the proposed development on the adjoining residential properties. Accordingly, the applicant is requested to make the following design alterations;

- a) *The ridge height of the proposed Family Flat should be reduced to a maximum height of 3.5 meters.*
- b) *The height of the corridor link shall be reduced to a maximum height of 3 meters.*

In relation to Part A of Item 1, the applicant has provided drawings confirming that the height of the development will be 3.5m **which is therefore acceptable.**

In relation to Part B of Item 1, the applicant has removed the link corridor in its entirety (see Item 2b), therefore creating a separate habitable dwelling which shall be reviewed under Item 2b.

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Item 2:

Family Flat

The proposed development does not comply with 12.6.8 Residential Consolidation (Family Flats) of the South Dublin County Development Plan 2022 - 2028 and the applicant should address the following by Additional Information:

(a) The applicant should submit information demonstrating that there is a genuine need for the family flat.

(b) The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling. The total first floor habitable area of the existing building is approximately 75sqm and the applicant should redesign the proposed development to considerably reduce the overall area of the proposed family flat in order to be consistent with the County Development Plan. Alternatively, the applicant should readvertise the proposed development as a separate flat rather than a family flat. The applicant should address this as additional information.

In relation to Part A, the applicant provided a cover letter with written confirmation that the proposed occupiers are the applicants elderly parents who currently live over the shop and are unable to use the stairs due to mobility issues. The applicant's father has had a knee operation and their mother is a type 2 diabetic. **Therefore, the applicant has demonstrated the requirement for a family flat.**

In relation to Part B, the applicant has readvertised the proposed development as separate flat rather than a family flat. In terms of the South Dublin County Development Plan and the Quality Housing for Sustainable Communities Guidelines, the revised application is assessed as follows:

Dwelling Type	Gross Floor Area	Minimum Main Living Room	Aggregate Living Area	Aggregate Bedroom Area	Storage	Double Bedroom Min	Main Bedroom Min	Min Unobstructed Living Room Width
2 Bed Apt/4 Person	73	13	30	25	7	11.4	13	3.6
Proposed Development	65.9	26.69	26.69	20.4	5	10.2	10.2	3.3

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The applicant does not meet the standard required for a four person 2 bed apartment (dwelling) as submitted and should redesign this as a one bedroomed dwelling and ensure that all the parameters are met as per the Quality Housing For Sustainable Communities Guidelines and this should be sought via **Clarification of Additional Information**.

Furthermore, the proposed development leaves a rear private amenity space of 43.09sqm each for both the existing dwelling as extended and the new dwelling which is not consistent with the provisions of the CDP which requires 55sqm at a minimum for 2 bedroomed dwellings and the applicant should ensure that when resubmitting revised drawings, they refer to the County Development Plan and this should also be sought by **Clarification of Additional Information**.

Item 3

SuDS

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant should submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development such as such as but not limited to the following:

Rain Gardens, Planter boxes with overflow connection to the public surface water sewer, Permeable Paving, Grasscrete.

In regards Item 3, the applicant has confirmed in the cover letter that there were details of the SuDS submitted as part of the Additional Information request but the plans submitted do not fully explain the proposed interventions and therefore the applicant is requested to demonstrate fully the Sustainable urban Drainage Systems proposed and this should be sought by **Clarification of Additional Information**.

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Development Contributions

Planning Reference Number	SD22B/0402
Summary of permission granted & relevant notes:	Residential Extension – 94sqm. Previous Extensions total 46.6sqm.
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)	94
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	94
Total development contribution due	€ 9,822.06

Conclusion

The proposed development as a separate habitable dwelling is not consistent with the provisions of the South Dublin County Development Plan 2022 – 2028 or the Quality Housing for Sustainable Communities Guidelines. Therefore, the applicant should revise the proposed development by Clarification of Additional Information.

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Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant has submitted revised drawings for a 2 bedroom (double) separate dwelling. The proposed development is not consistent with the provisions of the South Dublin County Development Plan 2022 – 2028 or the Quality Housing for Sustainable Communities Guidelines. Therefore, the applicant should revised the proposed development as either a 2 bed 3 person or a 1 bedroom dwelling with sufficient rear amenity space for both the existing dwelling and the proposed dwelling.
2. The applicant was requested as per Additional Information to confirm the Sustainable urban Drainage Systems for the proposed development which has not been sufficiently addressed and therefore, the applicant should further clarify the SuDS treatments proposed.

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REG. REF. SD22B/0402

LOCATION: 1, Orchardstown Park, Dublin 14



**Neal Murphy,
Assistant Planner**

ORDER: I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated: 06.01.23



**Colm Harte,
Senior Executive Planner**