

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

**Reg. Reference:** SD22B/0490      **Application Date:** 07-Nov-2022  
**Submission Type:** New Application      **Registration Date:** 07-Nov-2022  
**Correspondence Name and Address:** Peadar Mc Adam 55, Granville Road, Dun Laoghaire, Co. Dublin  
**Proposed Development:** Single Storey to the rear. Demolition of existing garage, Alterations to boundary walls to the side and rear and all associated site works to existing dwelling house  
**Location:** 2, The Drive, Kingswood Heights, Dublin 24  
**Applicant Name:** Rita Gibson  
**Application Type:** Permission

(CS)

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

Site Area: Stated as 0.0483 Hectares.

### **Site Description**

The site is located at the corner of The Drive and The Court in Kingswood Heights. The existing house is one of a number of detached single storey houses with pitched roofs and with a mainly uniform building line. The dwelling has previously been extended to the side (SD05B/0263 – 43.6sq.m.). Mature hedging surrounds the front and side garden and there is an existing street tree on the grass verge to the front of the dwelling. The subject site contains a garage to the rear that opens out on to The Court.

### **Proposal**

Permission is being sought for:

- Demolition of existing garage (20.5sq.m.).
- Single storey rear extension.
- Alterations to boundary walls to side and rear.
- Proposed works measure 38.7sq.m.

### **Zoning**

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

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

### **Consultations**

*Surface Water Drainage* – No report received

*Irish Water* – No report received.

*Roads Department* – Grant with **conditions**.

*Parks Department* – No report received

### **SEA Sensitivity Screening**

No Overlap identified with the relevant environmental layers.

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

None.

### **Recent Relevant Planning History**

**SD05B/0263:** One storey extension with a pitched roof to the side of the existing house containing two bedrooms and a bathroom. (43.6sq.m.).

Decision: **GRANT PERMISSION.**

**S00B/0508:** Extension to side of house.

Decision: **REFUSE PERMISSION.**

**S99A/0685:** Semi-detached bungalow to side.

Decision: **REFUSE PERMISSION.**

ABP Appeal 06S.117525: **REFUSE PERMISSION.**

**S00A/0485:** Semi-detached bungalow to side.

Decision: **REFUSE PERMISSION.**

ABP Appeal 06S.121390: **REFUSE PERMISSION.**

**S98B/0491:** single storey extension to the front.

Decision: **GRANT PERMISSION.**

**S98A/0451:** Permission refused for bungalow (out of character)

Decision: **REFUSE PERMISSION.**

### *Adjacent sites*

**SD22B/0443:** 21, The Court, Kingswood Heights, Dublin 24.

Demolition of the existing sunroom to rear and the construction of a single storey extension with garage to side and rear of existing house and a porch extension to front. New boundary wall to side. A first floor pitched roof extension with 2 rooflights, 2 dormer windows and the installation of solar panels on the South West facing roof.

Decision: **GRANT PERMISSION.**

# **Comhairle Chontae Atha Cliath Theas**

**PR/0016/23**

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

### **Recent Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Section 6.8.2 Residential Extensions

Policy H14: 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).

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.

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

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 in SDCC**

#### **Ministerial Guidelines and Policy**

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

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

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

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)  
**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

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

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Access & Parking
- Parks & Landscaping
- Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

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

The proposed development is 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 South Dublin House Extension Design Guide 2010.

### ***Residential & Visual Amenity***

#### ***Demolition of existing garage***

The garage to the rear that opens out on to The Court will be demolished (20.5sq.m.).

The demolition of the existing garage is considered acceptable in this instance and will create additional private open space for the subject site.

#### ***Single storey 'L' shaped rear extension***

The extension will be offset by c.1.0m from the boundary with the immediate neighbour to the east. It will project outwards from the main rear building line by c.5m at its longest and c.2m at its shortest projection. It will span a total width of c.9.7m and will have a flat parapet roof with a maximum parapet height of c.3.577m and a minimum parapet height of c.2.9m. A reasonable area of private open space will remain post completion and the proposal will integrate reasonably well with the character of the area and with the character of the existing dwelling. The proposal would not have a significant adverse impact on residential and visual amenity.

#### ***Alterations to front and side boundary walls***

It is proposed to construct a 2.1m high front and side boundary wall. At 2.1m high this proposed boundary treatment would not be acceptable in terms of visual amenity and would not be acceptable for sightlines and would present a traffic hazard. Front and side boundary treatment shall be limited by **condition** to a maximum height of 0.9m in the event of a grant. This is discussed further in the Access & Parking section of the report below.

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

### ***Access & Parking***

A report was received from the Roads Department which expressed concerns relating to the 2.1m height of the proposed front and side boundary walls as this would significantly affect driver sightlines and would in turn create a traffic hazard. Notwithstanding this the Roads Department have recommended conditions to be attached should permission be granted which include for the reduction in the height of the proposed wall from 2.1m to a maximum height of 0.9m. An extract taken from the Roads report states the following:

*Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.*

### **Proposed wall:**

*Note: There is no existing wall along front-side boundary, and this would constitute an alteration.*

*A new wall is proposed along front-side boundary at a height of 2.1m.*

*Roads Department would see this height as unacceptable as it would significantly affect driver sightlines, in turn creating a hazard for road users, pedestrians and vulnerable footpath users.*



### **Should the permission be granted, the following conditions to be applied:**

- 1. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. The vehicular access point shall not exceed a width of 3.5 meters.*
- 3. Any gates shall open inwards and not outwards over the public domain.*
- 4. 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.*
- 5. The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*

# Comhairle Chontae Atha Cliath Theas

## PR/0016/23

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

It is considered appropriate to attach the above **conditions** in the event of a grant apart from conditions 2, 4 and 5. The applicant is not proposing to widen the existing vehicular entrance and condition 4 should also be omitted as it is not enforceable.

#### *Parks & Landscaping*

Although no report was received from the Parks Department it is considered appropriate to attach a tree bond and tree protection measures for the street tree on the grass verge to the front of the dwelling.

#### 1. Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €1,500 shall be lodged with South Dublin County Council as a security for the protection of the existing street tree in the grassed margin during the course of the development works.

This bond will be released twelve months after the completion of all site works once it has been ascertained that the tree specified for retention has been preserved in its prior condition and has suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

Reason: In the interest of tree protection and the proper planning and sustainable development of the area.

#### 2. 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 pertaining to the development. 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.

REASON: In the interests of visual amenity and of protecting existing trees from inappropriate storage, mixing or application of cement-based products or other phytotoxic materials that are likely to have a detrimental effect upon tree(s) in the grassed margin.

#### *Drainage*

No reports have been received from Irish Water or Surface Water Drainage. Notwithstanding this it is considered appropriate to attach standard drainage **conditions** in the event of a grant of permission.

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

### ***Screening for Appropriate Assessment (AA)***

The subject site is not located within nor within close proximity to a European site. The proposed development is in an established residential area. The development comprises side extension, attic/garage conversions.

Having regard to:

- the small residential scale of the development,
- the location of the development in an established 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.

### ***Other Considerations***

#### ***Development Contributions***

- Single storey rear extension 38.7sq.m.
- Previous single storey side extension measures 43.6sq.m. (SD05B/0263).
- No exemption remains.
- Assessable area measures 38.7sq.m.



# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22B/0490
<b>Summary of permission granted &amp; relevant notes:</b>	Residential Extension – 38.7 sqm.
<b>Are any exemptions applicable?</b>	Yes
<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>	€119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m2)</b>	38.7sq.m.
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	38.7sq.m.
<b>Total development contribution due</b>	€4,609.17

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0016/23**

## **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) 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.  
(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.

# Comhairle Chontae Atha Cliath Theas

**PR/0016/23**

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

(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 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

# **Comhairle Chontae Atha Cliath Theas**

**PR/0016/23**

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

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. Roads requirements**

(a). Front and side 2.1m high boundary wall shall be omitted and front and side boundary wall shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(b). Any gates shall open inwards and not outwards over the public domain.

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

### **4. Tree Bond.**

#### **1. Tree Bond**

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €1, 500 shall be lodged with South Dublin County Council as a security for the protection of the existing street tree in the grassed margin during the course of the development works.

This bond will be released twelve months after the completion of all site works once it has been ascertained that the tree specified for retention has been preserved in its prior condition and has suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

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

### **5. 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 pertaining to the development. 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.

REASON: In the interests of visual amenity and of protecting existing trees from inappropriate storage, mixing or application of cement-based products or other phytotoxic materials that are likely to have a detrimental effect upon tree(s) in the grassed margin.

### **6. Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €4, 609.17 (Four Thousand, Six Hundred and Nive Euro and Seventeen Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in

# **Comhairle Chontae Atha Cliath Theas**

**PR/0016/23**

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

accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

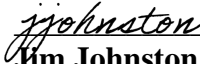
**Comhairle Chontae Atha Cliath Theas**

**PR/0016/23**

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

**REG. REF. SD22B/0490**

**LOCATION: 2, The Drive, Kingswood Heights, Dublin 24**

  
\_\_\_\_\_  
**Jim Johnston,**  
**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:** 09/01/23\_\_\_\_\_

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