

Comhairle Chontae Atha Cliath Theas

PR/0033/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0427 **Application Date:** 10-Nov-2022
Submission Type: New Application **Registration Date:** 10-Nov-2022

Correspondence Name and Address: Coughlan Consulting Engineering 25, Kiltipper Avenue, Aylesbury, Tallaght, Dublin 24.

Proposed Development: Minor modifications to previously granted SD21A/0356; Permission was granted for the construction of Part two storey, part single storey four bedroom detached dwelling; 1 m high pedestrian entrance gate; boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage; Proposed dwelling consists of living, utility, dining room and bedroom and home office space at ground floor. First floor consists of 3 bedrooms, wc, ensuite and games room/gym; Modifications from previous approved grant are, Dormer window to the south at 1st floor level and, removal of proposed office door at ground floor level to the south.

Location: 16, Muckross Green, Dublin 12

Applicant Name: Tim O'Sullivan & Louise Prendergast

Application Type: Permission

(EW)

Description of Site and Surroundings:

Site visit: 29/11/2022

Site Area: 0.05074

Site Description

The subject site is located on Muckross Green within an existing housing estate in Perrystown. The site is part of the side garden of No. 16 Muckross Green. The surrounding dwellings are two storey and terraced. It is noted that Muckross Green estate is oval in shape, creating a number of triangular corner plots between terraces that are narrow at the front and wide towards the rear.

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Proposal

- Previously granted SD21A/0356; Permission was granted for the construction of Part two storey, part single storey four bedroom detached dwelling; 1 m high pedestrian entrance gate; boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage; Proposed dwelling consists of living, utility, dining room and bedroom and home office space at ground floor. First floor consists of 3 bedrooms, wc, ensuite and games room/gym;

The proposal consists of minor modifications with *Permission* for the following:

- **Modifications from previous approved grant are,**
 - Dormer window to the south at 1st floor level and,
 - removal of proposed office door at ground floor level to the south.

Zoning

The subject site is subject to zoning objective 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2022-2028.

Consultations

Water Services – no objection in previous report subject to conditions.

Roads Department – no objection subject to conditions.

Public Realm Section – no objections in previous report.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Submissions/Observations/Representations

None received.

Relevant Planning History

Subject site

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SD21A/0356

The construction of the following works:

- Part two storey, part single storey four-bedroom detached dwelling;
- 1m high pedestrian entrance gate;
- Boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckcross Green; and
- All associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage.

The proposed dwelling consists of living, utility, wc, dining room and bedroom and home office space at ground floor. First floor consists of 3 bedrooms, wc, ensuite and games room/gym. New works from the previous SD20A/0292 application include a 1.5 storey high dormer structure to the east with single storey structure to its north and extension of single storey dining room to the north by 1.5m. **Permission granted.**

Conditions

2. Amendments

Prior to the commencement of development the applicant, owner or developer shall submit, for the written agreement of the Planning Authority:

(a) A Site Location Map showing the correct site boundary/red line. Such map shall be consistent with the red line indicated on all submitted drawings.

(b) Revised plans that omit the external front door to the office.

REASON: To ensure that the dwelling is not inappropriately used as separate units and in the interests of the proper planning and sustainable development of the area.

SD20A/0292 & ABP Ref. PL06S.309376

Part two storey, part single storey three bedroom detached dwelling; 1m high pedestrian entrance gate; boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckcross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage to front. Permission granted by SDCC. Third party appeal against decision. An Bord Pleanala granted permission.

SD20A/0134

New part two storey, part single storey four-bedroom detached dwelling including one central rooflight; new vehicular entrance gateway and new 2.1m high boundary wall set back from the front of the site, with access through a dual ownership driveway and existing vehicular entrance on Muckcross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage to front.

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Permission refused for the following reasons:

1. *Due to the height, size, location and proximity to the east boundary, the proposed development would have a significant overbearing impact on the immediate neighbour to the east and would be contrary to the zoning in the South Dublin County Council Development Plan 2016 - 2022, the objective of which is 'to protect and/ or improve residential amenity'. Thus, the proposed development would seriously injure the amenity of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would endanger public safety by reason of traffic hazard due to the following:*
 - (a) *Inappropriate combined vehicular access with a width of 5.1 meters, which would compromise the safety and comfort of pedestrians.*
 - (b) *Intensification of the use of an access with reduced sightlines, increasing the risk of a traffic accident.*

The proposal is contrary to the proper planning and sustainable development of the area.
3. *Having regard to the absence of sufficient detail relating to surface water and foul drainage and water supply, the Planning Authority is not satisfied that the applicant has demonstrated that the proposed development can be achieved in accordance with the requirements of Irish Water and Surface Water Drainage and would therefore be prejudicial to public health.*

Adjoining and surrounding sites

35, Muckross Green, Perrystown, Dublin 12

SD20A/0007

Demolition of the existing garage to side of existing house; construction of an additional detached dwelling house; car parking; relocation of boundary wall; connection to mains services together with all associated site works. **Permission granted.**

SD07A/0441

Demolition of existing garage and the construction of an additional dwelling, relocation of boundary wall, connection to mains services and the associated site works. **Permission granted.**

SD07A/0791

Demolition of the existing garage, the construction of an additional detached dwelling house, car parking, relocation of boundary wall, connection to mains services and associated site works. **Permission granted.**

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Relevant Enforcement History

Enforcement Ref. S8531

Widening of driveway without planning permission. **Addressed through previous permission.**

Enforcement Ref. S8087

Removal of back boundary and taking in lane into site and large building project taking place at side and rear of house. **Case closed as exempted development.**

Pre-Planning Consultation

PP032/20

Two semi-detached two storey dwellings; to include associated site works including alterations to the existing dwelling.

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

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

Policy H13 Residential Consolidation

H13 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

H13 Objective 5

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

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 8 Community Infrastructure and Open Space

Section 8.7.5 Quality of Public Open Space

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Policy COS5 Objective 16

To ensure that parks and public open spaces are carefully designed as safe spaces, by implementing the following measures:

- *Providing active frontages and maximising passive surveillance from adjacent housing and / or public thoroughfares;*
- *Eliminating buildings which back-on or gable-front public open spaces;*
- *Designing corner units with active frontage;*
- *Encouraging increased use through improved access and quality of facilities;'*
- *Careful location, design and choice of surface materials and site furniture.*

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

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.

Policy GI2 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.

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Policy GI4 Sustainable Drainage Systems

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.

Corner/ Side Garden Sites

Development on corner and/or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

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Relevant Government 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.

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).

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).

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,
- Parks and Public Realm
- Services and drainage and Flood Risk.

Zoning and Council Policy

The development comprising of an amendments to a residential dwelling 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 House Extension Design Guide and subject to its accordance with the relevant provisions in the County

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Development Plan with specific reference to Section 11.3.2 (i) Infill Sites and (iii) Backland Development.

Previous Application.

As stated previously granted SD21A/0356; Permission was granted for the construction of Part two storey, part single storey four bedroom detached dwelling; 1 m high pedestrian entrance gate; boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage; Proposed dwelling consists of living, utility, dining room and bedroom and home office space at ground floor. First floor consists of 3 bedrooms, wc, ensuite and games room/gym.

Modifications from previous previously granted SD21A/0356 are:

Front Dormer Window

A flat roof-angled dormer window with zinc cladding is proposed under the ridgeline level of the main dwelling (to the southern front side). No overlooking of the neighbouring property to the west is envisaged at No. 16 Muckross Green.

Having regard to the surrounding roofline symmetry to the immediate area. It is noted that front dormer extensions are not prevalent. However, it is considered in this instance that the proposed dormer window to the front of this hipped roof, by reason of its size, design and how it matches the materials and the slope of the existing dwelling and previously granted rear dormer window, would not be visually prominent. Therefore, a visual imbalance would not result from the proposal on this ample site. Thus, the angled dormer window is considered, subject to conditions, complies with the design guidelines for dormer extensions as set out in the 'House Extension Design Guide' in the current South Dublin County Council Development Plan 2022-2028, and would not have a negative impact on the visual amenities of the area.

Removal of office door

Under previously granted SD21A/0356,

Condition 2: Amendments:

(b) Revised plans that omit the external front door to the office.

REASON: To ensure that the dwelling is not inappropriately used as separate units and in the interests of the proper planning and sustainable development of the area.

The office door at the ground floor level to the south has been removed and replaced with a window that matches the fenestration of the previously granted dwelling under SD21A/0356. The modification is consistent with the current South Dublin County Council Development Plan 2022-2028. It would not negatively impact the visual amenities of the area, so a grant of permission is recommended.

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Green Infrastructure

The subject application provides for a front dormer roof addition and a ground floor office door amendment and none to the footprint of the subject house on an established suburban residential site. The site boundary 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). A **condition** for surface water shall include for SuDS measures in the form of water butts.

As outlined in previously granted Parent Permission SD21A/0356, the drainage requirements were addressed. Having regard to the extent of private amenity grassland retained, the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

Services & Drainage

It is deemed that that applicant will be required to comply with Surface Water Drainage and Irish Water conditions outlined in previously granted Parent Permission SD21A/0356.

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 area and comprises of a new dwelling.

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

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

Development Contributions were applied as outlined in previously granted Parent Permission SD21A/0356.

- New residential dwelling 202sq.m
- Therefore, the development contribution for the subject front dormer window and ground floor window replacement is NIL.

SEA monitoring

Building Use Type Proposed: New residential dwelling

Floor Area: 202sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.05074 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, 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.

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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. Parent Permission
All conditions attached to the permission granted under Reg. Ref. SD21A/0356 to which this application will have the effect of creating modifications to, shall apply, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the parent permission.
3. The disposal of surface water shall accord with the requirements of the Planning Authority as follows:
 - (a) The surface water generated by the development (roof and pavements) shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar. There shall be no overflow to the public network. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and shall have no impact on neighbouring properties.
 - (b) If the applicant does not consider a soakpit a feasible solution, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for the written agreement of the Planning Authority thereafter for build-out.
 - (c) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath.
REASON: In accordance with GI4 Objective 1 of the County Development Plan 2022-2028 and the South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022
4. Financial Contributions.
That arrangements be made with regard to the payment of financial contributions in respect of the overall development, as required by Condition No.10 of Register Reference SD21A/0356, arrangements to be made prior to commencement of development.
REASON: It is considered reasonable that the developer should contribute towards the cost of providing services and to ensure that a ready sanction may be available to the Council to induce provision of services and prevent disamenity in the development.

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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.

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REG. REF. SD22A/0427

LOCATION: 16, Muckross Green, Dublin 12



**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: 11/01/23



**Gormla O'Corrain,
Senior Planner**