

# Comhairle Chontae Atha Cliath Theas

**PR/0050/23**

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

**Reg. Reference:** SD22B/0494      **Application Date:** 11-Nov-2022  
**Submission Type:** New Application      **Registration Date:** 11-Nov-2022

**Correspondence Name and Address:** Draftcad Planning & Design 32, Glen Easton Way,  
Leixlip, Co. Kildare.

**Proposed Development:** To convert attic non-habitable storage space with a  
dormer window to the rear of roof and new roof  
window to front and rear of existing roof and all  
associated site works.

**Location:** 37, Prospect Court, Stocking Lane, Rathfarnham,  
Dublin 16

**Applicant Name:** Glenda & Jay Donegan

**Application Type:** Permission

(EW)

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

Site Area: 0.0229

### **Site Description:**

The subject site is located to the north on the southern side of Prospect Court, a cul-de-sac and comprises of a two storey, semi-detached dwelling with a pitched roof. The site adjoins the M50 to the south-west (rear). The streetscape of Prospect Court is characterised by semi-detached houses of a similar form and scale.

### **Proposal:**

The proposal consists of *Permission* for the following:

- To convert attic non-habitable storage space with a dormer window to the rear of roof and
- new roof window to front and rear of existing roof and all associated site works.

### **Zoning:**

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

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### Consultations:

Surface Water Drainage – No report received; standard conditions apply.

*SEA Sensitivity Screening* – No overlap indicated.

### Submissions/Observations /Representations

None for subject site.

### Relevant Planning History

None for subject site.

#### Adjacent sites

SD21B/0230: 25, Prospect Court, Dublin 16. Convert existing attic area into a new non-habitable attic area with a dormer window; ventilated rooflight in existing concrete tiled roof to the rear and internal alterations.

Decision: Grant Permission.

SD19B/0202 7, Prospect Court, Stocking Lane, Rathfarnham, Dublin 16

Convert attic to non-habitable storage space with a dormer window to the rear of roof; additional window at rear of roof; reduce window size to landing area at side elevation; all associated site works.

Decision: Grant Permission.

SD14B/0167 23, Prospect Court, Dublin 16

Convert the existing attic area into a new non-habitable attic area with a dormer window and a ventilated rooflight in the existing concrete tiled roof to the rear of the existing dwelling and internal alterations.

Decision: Grant Permission.

### 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,

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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.

### 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.

***The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.***

##### *Overlooking and loss of privacy:*

Provide frosted or opaque glass windows with restricted openings in bathrooms, halls, and stairways

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### 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).

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

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### Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity
- Services and drainage.

### *Zoning and Council Policy*

The change in roof profile and an attic conversion is consistent in principle with zoning objective 'RES' and would generally be in compliance with Council policy in relation to extensions to dwelling houses, as set out in South Dublin County Council House Extension Design Guide (2010), and in the Development Plan.

### *Residential & Visual Amenity*

Having regard to the proposed modification of the existing roof structure, the roof remains pitched and as such, no visual imbalance from the front elevation would result from the proposal.

The conversion as proposed appears as a non-habitable space; however, the roof is 1.9m in height. A **note** should be attached stating that in order to use the attic for habitable space, it must comply with the Building Regulations.

### Rear Dormer Window/ Front and rear rooflights

The proposed rear dormer window is positioned below the ridgeline of the existing dwelling and three tile courses above the eaves. The scale/design of the window used in the proposed flat-roofed dormer window is considered to be large, however taking the site context into consideration and the pattern of development, is in this instant consistent to the recommendations of the Council's House Extension Design Guide in relation to design of dormer extensions and as such, would be in accordance with the proper planning and sustainable development of the area.

The proposed dormer window would be set back from the rear boundary which is shared with the landscaped strip adjacent to the M50. It is not considered that the dormer window would create unacceptable levels of overlooking to neighbouring properties or gardens.

The proposed rooflights would be located on the front and rear slopes and to the south-east of the proposed dormer window. The proposed rooflight would be broadly acceptable in this instance and would visually accord with the character of the area.

In summary, the proposed dormer window and attic conversion is considered to generally comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 and would have an acceptable impact in terms of residential and visual amenity, therefore, a grant of permission is recommended.

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### **Green Infrastructure**

The subject application provides for a roof change 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.

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**

Regarding surface water drainage and flood risk, the Water Services have not submitted a report, however it is deemed that standard SUD's conditions can be obtained by **condition**.

Irish Water have not submitted a report however, no w/c has been indicated in the attic proposal on the submitted plans and therefore conditions are 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 area and comprises of a dormer window with roof amendment.

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	
Planning Reference Number	SD22B/0494
Summary of permission granted & relevant notes:	Residential Dormer Extension – 22.77sqm. No previous extension.
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:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	119.10
Area of Development (m <sup>2</sup> )	22.77
Amount of Floor area, if any, exempt (m <sup>2</sup> )	40
Total area to which development contribution applies (m <sup>2</sup> )	0
Total development contribution due	€0.00

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan, existing permissions for similar type development, the location of the site away from a prominent and highly visible site, the overall design and scale of the development proposed 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, in this instance, be in accordance with the proper planning and sustainable development of the area. It is considered

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that the proposed extension in this instance, would be generally in compliance with Council policy in relation to extensions to dwelling houses.

### **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. The applicant shall propose Sustainable Drainage Systems (SuDS) features for the development. Sample SuDS devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance. In addition the applicant should consider the provision of Water butts as part of the SuDS proposals.  
REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under SECTION 4.2.2. SUSTAINABLE WATER MANAGEMENT and other relevant policies in the South Dublin County Council Development Plan 2022-2028.
3. (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.



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(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) 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.

(d) Construction Noise and Hours.

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

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

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

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

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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.

**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:** 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/0494**

**LOCATION: 37, Prospect Court, Stocking Lane, Rathfarnham, Dublin 16**



**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:** 16/01/23

  
**Gormla O'Corrain,  
Senior Planner**