

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0121 **Application Date:** 25-Apr-2022
Submission Type: New Application **Registration Date:** 25-Apr-2022
Correspondence Name and Address: Robert Milling 15, St. Assams Avenue, Raheny, Dublin 5.
Proposed Development: Move entrance & demolish existing extension to rear; construction of 1 two storey, three bedroom dwelling to adjoin existing property.
Location: 45, Pairc Mhuire, Saggart, Dublin 24
Applicant Name: Gareth Duffy
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site visit: 18/5/2022

Site Area: as stated 0.0149 Hectares.

Site Description:

Pairc Mhuire is located just off Saggart Main Street and the application site is located on a corner site in the side garden of 45 Pairc Mhuire, a primarily residential area with a uniform building line. The subject site is irregular but predominately triangular in shape.

Proposal:

- Move entrance to existing dwelling,
- Demolish existing extension to rear of existing dwelling,
- Construction of 1 two storey, three-bedroom dwelling to adjoin existing property.
- Total area of works 88sqm

Zoning:

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

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Consultations:

Surface Water Drainage – Further information required.

Irish Water – Further information required.

Roads – No objection subject to conditions.

Parks – No objection subject to conditions.

SEA Sensitivity Screening

No overlaps with any relevant layers.

Submissions/Observations /Representations

One submission was received which can be summarized as follows:

- Overlooking the rear garden and kitchen of number 44 Pairc Mhuire.
- Privacy and enjoyment of the residential amenity would be affected greatly.
- Overshadowing of the rear garden of number 44 Pairc Mhuire and other properties in the immediate vicinity.
- Parking issues.
- Increased traffic.
- Construction phase would affect the ability of the neighbouring unit to work from home.

The issues raised in this submission have been noted and reflected in the report.

Relevant Planning History

Subject Site:

None.

Adjacent Sites:

SD20A/0072 - 28, Pairc Mhuire, Saggart, Co Dublin – **Permission Refused** for construction of a detached pitched roofed two storey dwelling house with a single storey pitched roofed entrance porch to the front on part of the front, side and rear garden including the demolition of existing detached storage out-buildings and changes to boundary treatments affecting the existing, including proposed new pedestrian and vehicular entrances to service the proposed dwelling and a new vehicular entrance to replace the existing to service the existing dwelling.

SD19B/0289 - 2, Pairc Mhuire, Saggart, Co. Dublin – **Permission Refused** for demolition of existing single storey detached garage and construction of a two storey hipped roof extension to the front and side of existing two storey semi-detached dwelling with associated changes to all

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

existing elevations; extension to consist of additional ground floor living space, toilet, and bin stores and an additional first floor bedroom with en-suite toilet along with all ancillary site works.

SD07A/0109 - 44, Pairc Mhuire, Saggart, Co Dublin – **Permission Granted** for construction of a single storey porch to the front of existing house, construction of a new two bedroom, end of terrace, two storey house with porch in the side garden of the existing house and the construction of a new vehicular entrance to the proposed dwelling.

SD06B/0509 - 32, Pairc Mhuire, Saggart, Co. Dublin – **Permission Granted** for single storey extension to side of existing dwelling to incorporate downstairs bedroom/en-suite and bathroom.

Relevant Enforcement History

None on record.

Pre-Planning Consultation

None on record.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 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 11 Implementation.

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

- Significant site features, such as boundary treatments, pillars, gateways, and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Section 11.3.2 (ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should 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,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Relevant Government Guidelines

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

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- Drainage,
- Roads,
- Public Realm,
- Screening for Appropriate Assessment,
- Environmental Impact Assessment.

Zoning and Council Policy

A development comprising of a construction of a two storey, three-bedroom dwelling adjoining an existing property 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 2016-2022.

Residential & Visual Amenity

Residential

The proposed development is on a corner site in the Pairc Mhuire residential estate. The overall site itself is divided between the dwellings at number 45 and 44A with each having ownership of approximately half of the area and this proposal refers to the part in ownership by unit 45. It is proposed that a new two-storey, three-bedroomed dwelling be constructed attached to 45 thus creating a terrace of three houses.

The objection includes the following issues:

- Overlooking the rear garden and kitchen of number 44 Pairc Mhuire.
- Privacy and enjoyment of the residential amenity would be affected greatly.
- Overshadowing of the rear garden of number 44 Pairc Mhuire and other properties in the immediate vicinity.

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Having regard to these issues and layout, it is considered that the proposed dwelling would give rise to unacceptable levels of overlooking of the dwelling to the east and would have an overbearing impact on that dwelling.

Similarly, because of the proposed first floor rear extension along the common boundary with the attached dwelling to the north, it is considered that the proposed dwelling would have an overbearing impact on the amenities of that dwelling.

Dwelling size

The new dwelling would be 88sqm which is considered acceptable as it is intended as a four person three-bedroomed dwelling (two single rooms and one double) as per the Quality Housing for Sustainable Communities-Best Practice Guidelines, but it should be noted that in Table 11.20: Minimum Space Standards for Houses in the South Dublin County Council Development Plan that the minimum size for a three bedroom house should be 92sqm.

The applicant intends to demolish the existing rear extension to the west of the existing dwelling in order to provide sufficient outdoor amenity space which will comprise approximately 50sqm. This is insufficient as per the Quality Housing for Sustainable Communities-Best Practice Guidelines and would not be in accordance with the South Dublin County Council Development Plan. The proposed three bedroom dwelling would have approximately 6 sqm of garden space to the rear and approximately 25sqm of private amenity space to the side of the dwelling (behind the front building line). This is not acceptable and would not comply with Council standards. SDCC Development Plan requires "Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity." The majority of the open space would be to the front of the building line and unlikely to provide private amenity. Neither the existing dwelling nor the proposed dwelling would have sufficient amenity space and therefore, the proposed development would not be in line with the SDCC Development Plan and would seriously injure the residential amenity of the area and **should be refused**.

Visual

The proposed development would create a terrace of three houses which would be visually acceptable. The materials proposed for the wall and roof treatments would match that of the dwellings in the immediate vicinity.

The boundary wall to the front and partially side of the proposed dwelling forming the applicant's boundary line will be 900mm rising to 1.8m which is acceptable. Overall, subject to conditions, the proposed would not seriously injure the visual amenity of the area.

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Drainage

Surface Water

Further information required:

1.1 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:

- Permeable Paving
- Grasscrete
- Blue Roofs
- Green Roofs
- Rain Gardens
- Planter boxes with overflow connection to the public surface water sewer.

1.2 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer.

Flood Risk

No objection subject to standard conditions.

Water

Further information required:

1.1 The applicant has not submitted water supply drawings for the proposed development. The applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

1.2 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water. - All development shall be carried out in compliance with Irish Water Standards codes and practices. Reason: In the interest of public health and to ensure adequate water facilities

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

Foul

Further information required:

2.1 The applicant has not submitted foul water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow.

2.2 Prior to the commencement of development the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water.

Conclusion

The reports from Water Services and Irish Water are noted and could be addressed by way of **conditions**. Notwithstanding this, a refusal is recommended.

Roads

No Roads objections subject to the following conditions:

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.

Conclusion

The report from the Roads Department is noted and could be addressed by way of **conditions**. Item 4 would be unenforceable. Notwithstanding this, a refusal of grant is recommended.

Public Realm

The Public Realm Section has no objections subject to conditions:

1. *Landscape Plan*

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full,

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

within the first planting season following completion of the development. The Landscape Plan to include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020).

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

2. Sustainable Drainage System (SuDS)

No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Planning Authority.

The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed 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.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective

Conclusion

The report from the Public Realm Section is noted and could be addressed by way of **conditions**. Notwithstanding this, a refusal of grant is recommended.

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 two storey, three bedroomed residential unit.

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.

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

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.

Development Contributions

Development Contributions Assessment Overall Quantum

3 Bedroom Dwelling :	88sq.m
Assessable Area:	88sq.m

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 88sq.m

Land Type: Urban Consolidation.

Site Area: 0.0149Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development it is considered that, the proposed development would provide an inadequate amount of private amenity space and would cause unacceptable overlooking and overbearing impact on the dwelling to the west. It would also give rise to overbearing on the dwelling to the north (due to first floor rear extension) and should be refused.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto: -

SCHEDULE

REASON(S)

1. In the South Dublin County Development Plan 2016 - 2022 the site is zoned 'RES' land-use zoning objective 'To protect and/or improve residential amenity'.

Having regard to :

- Substandard private amenity space
- Overbearing and overlooking on dwelling to west
- Overbearing on dwelling to the north

The proposed development would contravene the Plan and seriously injure the amenities

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

of property in the vicinity, and would not be consistent with the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0762/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0121

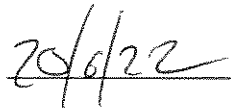
LOCATION: 45, Pairc Mhuire, Saggart, Dublin 24



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:





Eoin Burke, Senior Planner