

# Comhairle Chontae Atha Cliath Theas

**PR/0077/23**

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

**Reg. Reference:** SD22B/0502      **Application Date:** 17-Nov-2022  
**Submission Type:** New Application      **Registration Date:** 17-Nov-2022  
**Correspondence Name and Address:** Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14  
**Proposed Development:** Attic Conversion for storage with dormer window to the front roof area  
**Location:** 45, Ballycullen Green, Dublin 24, D24C8YK  
**Applicant Name:** Lisa and Chris Lawlor  
**Application Type:** Permission

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

#### **Site Area**

Stated as 0.2410ha.

#### **Site Description**

The subject site is located within a relatively new residential estate in Ballycullen Green, Dublin 24 and contains a semi-detached, two-storey dwelling with a gable roof. The subject site's elevation and location directly overlooks the Oldcourt Road (L4025), with a significant drop in ground level of the Lidl store situated directly north of the Oldcourt Road. The Ballycullen Green estate is primarily residential in nature with a relatively uniform building line.

#### **Proposed Development**

Permission for attic conversion for storage and the construction of a dormer window to the front roof area.

#### **Zoning**

The subject site is subject to zoning objective RES-N - 'To provide for new residential communities in accordance with approved area plans'.

The subject site is located within the Ballycullen – Oldcourt Local Area Plan (2014) area. On the 7<sup>th</sup> May 2019, by resolution, the Local Area Plan was extended for further period (in accordance with Section 19 of the Planning and Development Act 2000, as amended). The Local Area Plan will now expire 2<sup>nd</sup> June 2024.

#### **Consultations**

Surface Water Drainage – No objections subject to standard conditions.

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

The closing date for submissions was on 21/12/2022, no submissions on the proposal have been received.

### **Relevant Planning History**

No significant planning history.

### **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 6, 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).*

#### **Chapter 4, Policy GI1: Overarching**

*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.*

*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.*

*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.*

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### Chapter 11, Section 11.2.1: Sustainable Urban Drainage Systems (SuDS)

*Policy IE3: Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### Chapter 12, Section 12.6.8: 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.***

#### *Attic conversions and dormer windows*

- *Locate dormer windows as far back as possible from the eaves line (at least three tile courses).*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*

#### *Overlooking and loss of privacy*

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

### **Ballycullen – Oldcourt Local Area Plan (2014)**

*Section 4.0 Plan Rationale*

*Section 5.0 Framework Strategies*

*Appendix 1: Plan Objectives*

*Appendix 2: Standards & Design Criteria*

### **Relevant Government Guidelines**

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

***Urban Design Manual: A Best Practice Guide***, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

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

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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 proposed dormer and gable windows to the existing dwelling is consistent in principle with zoning objective 'RES-N' and the Ballycullen – Oldcourt Local Area Plan (2014), subject to compliance with the provisions of the South Dublin County Council House Extension Design Guide (2010), and the relevant detailed policies in the County Development Plan.

### ***Residential and Visual Amenity***

#### **Conversion of Attic**

A new attic stair is proposed to access the attic storage space. The proposed floor to ceiling height is shown on the section drawing as 2.4m. A **note** should attach stating that in order to use the attic for habitable space it must comply with the Building Regulations.

#### **Front Dormer Window**

A flat roof dormer window is proposed under the ridgeline level, on the front of the main dwelling that is three tile courses from the eaves of the roof. No overlooking to adjacent properties is envisaged. It is considered that the proposed development would comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

Having regard to the surrounding area and the roof line symmetry, it is considered that the proposed dormer window to the front elevation of this pitched roof, by reason of its size, design and how it matches the materials of the existing dwelling would be visually acceptable.

### ***Services & Drainage***

Water Services has no objections to the proposed development subject to standard conditions. The proposed development is considered acceptable.

### ***Financial contributions***

As the proposed attic conversion is for storage and not for habitable use **no financial contributions apply.**

### ***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 an attic conversion, dormer window and change of roof profile. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with

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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 proposed 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***

- The proposed development is for a non-habitable attic conversion.
- Development contributions are not applicable.

### **Conclusion**

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, 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, 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.

## **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

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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.

(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-

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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 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:** Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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/0502

LOCATION: 45, Ballycullen Green, Dublin 24, D24C8YK

  
\_\_\_\_\_  
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: 23/01/23\_\_\_\_\_

  
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Gormla O'Corrain,  
Senior Planner