

# Comhairle Chontae Atha Cliath Theas

**PR/0106/23**

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

**Reg. Reference:** SD22B/0514      **Application Date:** 01-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 01-Dec-2022  
**Correspondence Name and Address:** JEArchitecture  
**Proposed Development:** Retention for single storey detached home office / gym to rear garden with associated ancillary works.  
**Location:** 5, Aranleigh Gardens, Dublin 14  
**Applicant Name:** John Curran  
**Application Type:** Retention

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

Site Area: stated as 0.0447 hectares on application form.

### **Site Description:**

The subject site is located to the rear of No.5 Aranleigh Gardens in Rathfarnham. The main dwelling is a two-storey, semi-detached dwelling with a pitched roof profile. A side access lane on the side elevation leads to the rear of the site.

The surrounding streetscape is characterised by dwellings of similar style and appearance and uniform building line. The street itself contains on-street parking with a concrete footpath, grass verge with some mature trees in the grass verge.

A timber structure subject to this application is located in the rear garden of the dwelling. Similar shed/type development is evident in rear gardens of dwellings in the surrounding area.

### **Proposal:**

The proposed development consists of Retention Permission for the following:

- Single storey detached home office/gym to rear garden with associated ancillary works.

### **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/Drainage - No report received at time of writing.  
Roads - No objections

*SEA Sensitivity Screening* - No overlap indicated with the relevant environmental layers on SEA mapping tool.

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

Submission expiry date – 16/1/2023

Six third party submissions were received objecting to the proposed retention of the single storey home office/gym structure.

Summary of Points raised:

- Window 1m from boundary and gardens of neighbouring dwelling,
- Windows orientation does not match drawings,
- Scale of building out of character for intended use,
- Overbearing building size having regard for adjacent properties,
- Building on elevated ground exacerbates overbearing appearance,
- Building fully serviced with power and plumbing – risk of use for residential occupation now or future,
- Roof has significant pitch and height compared to drawings blocking sunlight to adjoining properties, in particular No.7 Aranleigh Gardens,
- Overlooking windows particularly on No.3 and 7 Aranleigh Gardens,
- Set undesirable precedent for similar sized developments,
- Overbearing scale of building,
- Fire hazard of the building being constructed in wood'.
  - No access for fire vehicles
  - Close to perimeters of adjacent houses which have wooden fences and could spread any fire.
- Noise pollution from music room
- Will building comply with building regulations:
  - Fire safety, electrical safety, water and sewerage
- Potential for future use as dwelling

The issues raised in the third-party submissions have been considered in assessing this planning application.

### **Relevant Planning History:**

#### ***Subject Site:***

None identified on APAS.

#### ***Adjacent sites:***

SD07B/0818 - 2, Aranleigh Court, Rathfarnham, Dublin 14

Demolition of an existing conservatory (size 8.35sqm) to the rear and the erection of a new glazed extension of 14sqm in size in the same location, also to replace a section of flat roof to the existing extension at the side with a new mono pitched tiled roof (area 23sqm).

#### **Grant Permission.**

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S99B/0273 - Rear of 11 Aranleigh Gardens, Rathfarnham, Dublin 14.

Erection of a shed.

**Grant Permission.**

SD16B/0209 - 29, Aranleigh Mount, Dublin 14

Construction of a part single storey extension to the front, part two storey extension to the side and general alterations to the existing house. Development will also comprise new site, drainage and fencing works.

**Grant Permission.**

No other significant relevant Planning History in the vicinity of the subject site.

### **Relevant Enforcement History:**

Open Enforcement case reference number: **S9026**

**Reported Address:** Lands at 5 Aranleigh Gardens, Rathfarnham, Dublin 14

**Nature of Problem:** Erection of a structure to the rear of the property which may not be considered exempt under Class 3 ED.

**Case opened - 8/11/2022.**

### **Pre-Planning Consultation:**

None identified on APAS for subject site.

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

#### *6.8.2 Residential Extensions*

*Policy H14: Residential Extensions 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).*

#### *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.*

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*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.*

*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.*

### **National Guidelines & Policy relevant to Development Management**

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

The House Extension Design Guide contains the following general guidance on house extensions.

#### **Elements of Good Extension Design:**

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.'*

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### Overbearing Impact

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

### 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).

### Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

### *Zoning and Council Policy*

The development comprising of a single storey detached structure is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity.' As the office/gym structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2022-2028.

### *Residential and Visual Amenity*

The application shall be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010).

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The proposed development seeks retention permission for a single storey detached home office/gym structure with a floor area of 51.16sqm in the rear garden of the applicants main dwelling house. The structure is 8.1m in width almost the full width of the site with 0.500m and 0.550m access space remaining to the side of the structure on the western and eastern boundary. A space of c1.096m to 2.2m in width will remain behind the proposed structure from the rear boundary wall with the neighbouring dwelling, No.2 Aranleigh Court. The structure has a pitched roof profile with a ridge height of 3.8m and an eaves height of 2.70m. The roof has a tiled finish. It is noted that the ridge height of the structure (3.8m) is in under 4-meter height which any such type structure with a pitched and tiled roof shall not exceed under Class 3 of the Planning and Development Regulations. The structure is also partially screened by mature trees to the rear and western side elevation. A single storey garden structure and extension to main dwelling with hipped roof profile located close to the rear boundary wall of the neighbouring dwelling to the rear No.2 Aranleigh Court also screen and set a precedent for similar height developments to the rear.

The structure contains one 0.9m by 0.9m window on each of its side elevations. The windows are proposed to serve two separate office rooms in the structure. It is noted that the eastern side elevation window is located in a position c1.2m from ground level. The window is to be removed from the side elevation and replaced with the timber finish to match rest of side gable. Suitable planting is to be provided in the area between the home office/gym structure in order to create a more satisfactory appearance than a blank side elevation. This can be achieved by means of **condition** in the event of a grant in permission.

The drawings and floor plans do not display the presence of a window on the rear elevation wall of the structure. It was noted on site visit that the window is small in nature and consists of frosted or opaque glass preventing any potential for overlooking. The window is located c1.7m from the rear boundary fence and faces the blank side gable of a neighbouring timber structure. The window will not have a significantly negative impact on the residential amenity of the dwelling to the rear and is deemed acceptable.

The window located on the western side elevation window serves an office room and is located next to a large fence with mature trees behind. The window is sufficiently screened however it is deemed appropriate in the event of a grant in permission that the window be frosted or opaque in nature to prevent any future overlooking should the boundary fence be altered. This can be achieved by means of **condition**.

The structure is located in the rear garden of the dwelling and is not visible form the public road. The office/gym structure does not have any significantly negative impact on the amenity of the neighbouring properties due to the scale and proposed use. The structure is intended for ancillary use and shall only be incidental to the existing dwelling and not used as a separate dwelling. Having regard to this, a condition should be imposed requiring removal of the W.C./bathroom

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and ensuring that the structure cannot be operated, leased or sold separately to the main dwelling and that the gym/office rooms shall not be operated for commercial purposes.

The open free private space between the main house and the garden structure exceeds the 25 sq. m requirement. 121sqm of rear garden area remains with the structure in place. The structure would be located approx. 9.9m from the rear elevation of the existing dwelling. Given the above, it is considered the proposed development is acceptable in terms of visual and residential amenity.

### ***Services and Drainage***

No report was received from Water Services, Irish Water or the Environmental Section at the time of writing, however, it is deemed appropriate that standard conditions for sustainable water measures can be obtained by means of **condition**.

### ***Roads***

The roads department of the council have reviewed the application and have stated no objection to the proposed development in a report received. Vehicular access or parking to the subject site will remain unchanged and acceptable provided the development is not to be used for accommodation or habitable purposes.

### ***Green Infrastructure***

The subject application provides for an increase in the footprint of the subject site by adding an office/gym building on an established suburban residential site. It is noted that the site is not located within a Primary GI Corridor or Secondary Corridor 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).

Given the size, scale and nature of the proposed development, it is deemed appropriate in this instance that the development will not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site and a full GI assessment and plan for the proposed development is not required. It is deemed appropriate however, that the development is subject to the addition of water butts and other suitable SuDS measures (Sustainable Drainage Systems) such as raingarden planters.

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

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 the retention of a single storey detached home office/gym to rear garden with associated ancillary works.

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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.

### ***Screening for 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.

### ***Development Contributions***

Retained – Garden Structure – Home office/gym (conditioned as ancillary and non-habitable):  
51.16 sq.m

Assessable area: **Nil.**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – Gym/Office building	51.16sqm
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0447

### **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 Retention 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.



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### **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 to be in accordance with submitted plans and details.  
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within XX months of the grant of permission, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Restriction on Use of the Garden Room:  
The garden home office/gym shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.  
REASON: In the interest of orderly development and the proper planning and sustainable development of the area.
3. Amendments.  
Within three months of the grant in permission, the applicant shall undertake all of the following amendments-
  - (a) Omit the WC from the home office/gym structure.
  - (b) Omit the eastern side elevation window which overlooks the rear private amenity area of the neighbouring dwelling No.7 Aranleigh Gardens. Provide suitable planting to prevent blank gable wall.
  - (c) Ensuring the western side elevational window is frosted or opaque in nature.REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
4. Surface Drainage.  
Within 6 months of the issuance of the Final Grant, the applicant shall install water butts in connection with the approved detached home office/gym structure as a sustainable drainage system measure and thereafter the water butts shall function to infiltrate surface water from the detached structure within the site.  
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

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provision.

### **5. Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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.

### **6. 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

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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.

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**REG. REF. SD22B/0514**

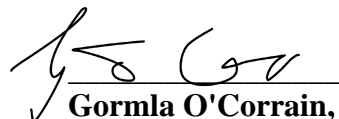
**LOCATION: 5, Aranleigh Gardens, Dublin 14**



**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 Retention 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:** 30/01/23



**Gormla O'Corrain,  
Senior Planner**