

# Comhairle Chontae Atha Cliath Theas

**PR/0098/23**

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

**Reg. Reference:** SD22B/0527      **Application Date:** 13-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 13-Dec-2022  
**Correspondence Name and Address:** APAC Ltd 82, Beaumont Court, Beaumont, Dublin 9  
**Proposed Development:** First floor side extension over the existing ground floor side extension.  
**Location:** 74, Hillsbrook Avenue, Dublin 12  
**Applicant Name:** Joe Brooks  
**Application Type:** Permission

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### **Site Area**

Stated as 0.0385ha.

### **Site Description**

The subject site is located within an established residential estate in Hillsbrook Avenue, Dublin 12. The site contains a two-storey end of terrace house with a permitted first-floor extension and extended gable roof profile, the extension includes a splayed design to the rear following the angle of the site boundary, the extension also included a single storey extension to side of property, and a front porch on the front façade of the property.

Approximately 50m southeast of the subject site, there is a pocket of mixed-use ground floor retail units, however, the area is primarily residential in nature with a relatively uniform building line.

### **Proposed Development**

Permission is sought for the following:

- First floor extension (to accommodate additional bedroom and ensuite) over existing ground floor side extension and front porch;
- Extension of roof line to finish with side gable;
- Proposed window in first floor gable wall;
- Front roof profile to include small apex at 4,200mm wide and 6,669mm proposed ridge line to ground level;
- The applicant states that all proposed finishes will match existing.

### **Zoning**

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

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### **Consultations**

Surface Water Drainage – No objections, subject to standard conditions.

Irish Water – No report received.

### **SEA Sensitivity Screening**

No overlap with relevant environmental layers.

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

25/01/2023 closing date for submissions.

No submissions or objections received.

### **Relevant Planning History**

#### **Subject site**

S99B/0013; permission was granted for a 2 storey and single storey extension to side of house to existing front entrance, on the 23/04/1999.

#### **Adjacent sites**

SD21A/0300, 19, Hillsbrook Drive, Perrystown, Dublin 12; sought permission for the demolition of the existing single storey 33sq.m apartment at 19A Hillsbrook Drive; construction of a new semi-detached, residential 2 storey apartment development comprising 3 units; existing house at 19 Hillsbrook drive is to be retained with its own vehicle access and off-street parking; 2 studio apartments measuring 41sq.m and 43sq.m and a 2-bed apartment measuring 85sq.m with a first-floor terrace are to be provided including cycle parking, refuse storage, landscaped private and communal amenity areas; all necessary and associated siteworks. Application was refused by the planning authority on the 07/01/2022. A first appeal was lodged on the 03/02/2022 (ABP-312629-22). The appeal is currently still at an undecided status with the Board.

SD05B/0072, 35, Hillsbrook Avenue, Perrystown, Dublin 12; permission was granted 19/05/2005 for the removal of existing garage to side of house and replace with a new two storey extension incorporating a play room, utility room and toilet and extended kitchen area at ground floor level and at first floor level one new bedroom; erect a single storey extension to the front of the house, extending the existing hallway, relocating the main entrance and extending the new playroom; erect a single storey extension to the rear of the house extending the existing dining room and kitchen area.

S99B/0556, 84 Hillbrook Avenue, Dublin 12; permission granted 03/12/1999 by planning authority for the construction of 2 storey side and single storey rear extensions.

### **Relevant Enforcement History**

None recorded for subject site.

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### **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.*

#### **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.*

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### 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.

#### Overlooking and loss of privacy

- *Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions (but always ensure the design complies with necessary fire regulations)*
  - *Reposition the window so it is not facing directly into a window in the adjoining property,*
  - *Insert a high level window with a sill level of 1.7m or higher above the internal floor level of the room,*
  - *Use angled windows with directional views.*
  - *If the window is at ground floor level, provide a fence or wall to screen it.*
- *Provide frosted or opaque glass windows with restricted openings in bathrooms, halls and stairways.*
- *Design the extension layout so rooms that might overlook neighbouring properties are corridors/bathrooms/stairways etc.*
- *Arrange the internal layout of habitable rooms within an extension so that windows will allow a reasonable level of light into the rooms but won't directly overlook windows to habitable rooms or the private patio or sitting-out area of neighbouring properties.*
- *As a rule of thumb, ensure there is at least 22m between directly opposing windows at first floor level in the rear elevation of properties.*
- *Do not use opaque or frosted glass in windows to habitable rooms.*

#### Front Extensions

- *Keep the extension simple and complementary to the style of the house reflecting the style and details of the main house, e.g., window location, shape, type proportion and sill details.*
- *Reflect the roof shape and slope of the main house.*
- *Match or complement the materials used in the main house.*
- *Try to maintain a minimum driveway length of 6m.*
- *Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.*

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### **Side Extensions**

- *Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.*
- *Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be acceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.*
- *Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.*

### **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.

### ***Zoning and Council Policy***

A development comprising of attic extension 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 **2022-2028** and the House Extension Design Guide.

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

#### **First floor extension**

The applicant is proposing a first floor extension over an existing ground floor extension. The extension is positioned to the side and front of the property. No demolition works is proposed in description of development; therefore, it is assumed that the footprint of the ground floor extension will remain. The works are proposed to accommodate an additional bedroom (4700 x 3600) and ensuite (2563 x 3600).

The applicant has proposed the use of blank elevations to the rear of the property. As per the House Extension Guide, it is recommended to arrange the internal layout of habitable rooms so

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that windows will allow a reasonable level of light into the rooms but won't directly overlook windows neighbouring properties. The proposed alterations to the front porch, do not appear to impact on the existing driveway. In this case, the planning authority considers this proposal acceptable.

The elevation drawings submitted by the applicant show a proposed window on the first floor of the gable wall. However, on reviewing the documentation submitted, there seems to be some inconsistencies regarding the positioning of the proposed first floor window. In particular, the positioning of the window on the elevation drawing appears to differ from the plans submitted by the applicant. A **condition** should be imposed requiring revised consistent drawings.

### ***Proposed Modifications to Front Roof Profile***

The applicant is proposing to extend the existing roofline and finish with a side gable profile. The roof profile to the front façade will also be modified and will include a small apex roof measuring 4200 in width and 6669 from the proposed ridge line to ground level. The applicant states that all proposed finishes will match existing. This proposal is considered acceptable by the planning authority.

### ***Proposed Modifications to Rear Roof Profile***

The applicant is proposing to extend the rear roof profile and finish in a gable end. In reference to the site visit carried out on the 17/01/2023, the existing eaves to the rear of the property appear to overhang above a section of the existing building that was splayed/angled. Considering the distance from the existing footprint of building to the boundary treatment to the side and rear of property at 908mm. It is unclear to the planning authority how the applicant intends to finish the proposed eaves on the first floor extension. Having regard to the foregoing, a **condition** should be imposed requiring revised drawings showing the roof plan of the proposed works.

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

Regarding surface water drainage and flood risk, it is noted that an ensuite is proposed at first floor level, therefore standard conditions will 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 other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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### ***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.

### **Other Considerations**

#### **Development Contributions**

The proposed development of first floor extension comprises; 1 No. bedroom (4700 x 3600) and 1 No. ensuite (2563 x 3600).

Assessable area = 26 sq.m.

The previous extension built under S99B/0013 had a floor area of 70sq.m. Therefore, there is no exemption for the current proposal which has a floor area of 26 sq.m.

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22B/0527
<b>Summary of permission granted:</b>	Single storey front side and rear extension with roof windows and all associated siteworks
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	119.1
<b>Area of Development (m2)</b>	26
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	26
<b>Vehicle display areas/ Open storage spaces</b>	
<b>Rate applicable</b>	€11.91
<b>Contribution</b>	€0.00
<b>Total development contribution due</b>	<b>€3,096.60</b>

26 sq.m. x €119.10 (rate per metre for residential) = **€3,096.60 = Financial Contribution due.**

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### **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 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. Revised drawings.

Within 6 months of the date of final grant of permission, the applicant/owner shall submit:  
a) plans and elevations, that provide further details/measurements of the splayed wall of the existing ground floor extension; the exact location/measurements of the proposed window to first floor extension gable wall for the written agreement of the Planning Authority.

b) a drawing of the roof plan of the proposed extension.

All drawings shall be consistent.

REASON: In the interest of proper planning and sustainable development and to maintain accurate records.



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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.

(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-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

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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.

#### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3, 096.60 (three thousand and ninety six euros and sixty cents) in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can

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be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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.

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/0527**

**LOCATION: 74, Hillsbrook Avenue, Dublin 12**

  
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**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:** 30/01/23\_\_\_\_\_

  
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**Gormla O'Corrain,**  
**Senior Planner**