

# Comhairle Chontae Atha Cliath Theas

**PR/0144/23**

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

**Reg. Reference:** SD22A/0449      **Application Date:** 02-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 02-Dec-2022

**Correspondence Name and Address:** Coughlan Consulting Engineering 25, Kiltipper Avenue, Aylesbury, Tallaght, Dublin 24.

**Proposed Development:** Demolition of a previously granted (S95B/0181) single storey domestic garage/shed to rear and the construction of a new single storey family annex unit with garage, largely over the same footprint as the original garage/shed unit and associated works; The annex will consist of one bedroom, combined living and kitchen area, WC and storage room; The roof will be mono-pitched with parapet walls and will house rooflights over kitchen and WC; Existing pedestrian and vehicular access points to serve the annex will be maintained.

**Location:** 1, Weston Way, Lucan, Co. Dublin, K78 K257

**Applicant Name:** Sean & Sharon Duddy

**Application Type:** Permission

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

#### Site Description

The subject site is located at the corner of Weston Way and the R403 within the established Weston Way residential estate. The site is comprised of an existing two-storey detached four-bedroom dwelling with hard surfacing to the front for off-street car parking, side and rear garden and a single storey shed structure to the rear, directly adjoining the side (western) and rear (northern) boundaries.

The streetscape is predominantly characterised by detached and semi-detached houses of a similar architectural form, scale and style.

#### Site Area

Stated as 0.065Ha.

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#### Proposal:

Permission is sought for the following:

- Demolition of the previously granted (S95B/0181) single storey domestic garage /shed which has an approximate floor area of 69.2sqm.
- Construction of a new single storey family annex unit with garage, largely over the same footprint as the original garage/shed unit and associated works; The annex will consist of one bedroom, combined living and kitchen area, WC and storage room; The roof will be mono-pitched with parapet walls and will house rooflights over kitchen and WC; Existing pedestrian and vehicular access points to serve the annex will be maintained.

#### Zoning:

The subject site is subject to zoning objective RES - 'To protect and / or improve Residential Amenity' in the South Dublin County Development Plan 2022-2028.

Overlap is indicated with the following Development Plan Map Layers:

- Bird Hazards.
- Extended Public Safety Zones – Weston Airport.
- Approach Surfaces – Weston Airport.
- Inner Horizontal Surface – Weston Airport.
- Take Off Climb Surfaces – Weston Airport.
- Noise Significant Boundaries – Weston Airport.
- Conical Surface - Casement Aerodrome.

#### Consultations:

Drainage and Water Services Department – No objection, subject to conditions.

Irish Water – No objection, subject to conditions.

Roads Department – No objection, subject to conditions.

Parks and Public Realm Department – No objection, subject to conditions.

#### SEA Sensitivity Screening

No overlap indicated with the relevant environmental layers.

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

Final date for submissions/observations – 16<sup>th</sup> January 2023.

None received.

### **Relevant Planning History**

**SD20B/0282**

First floor side extension with 'A' line feature roof over front first floor window, modifications to existing ground floor rear roof to change from a hip to a simple lean-to roof, new corbel chimney to front left side gable of the house, inclusion of roof light on main rear elevation roof, removal and block up of old en-suite window on right gable side elevations.

**SDCC Decision:** Grant Permission, subject to conditions.

### **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**

*Policy G11: Overarching*

*G11 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.*

*Policy G12: Biodiversity*

*G12 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.*

*Policy G14: Sustainable Drainage Systems*

*G14 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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*Policy QDP7: High Quality Design – Development General*

*Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.*

*Policy QDP11: Materials, Colours and Textures*

*Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.*

*Policy H11: Privacy and Security*

*Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.*

*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 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

*Policy H15: Family Flats*

*Support family flat development subject to the protection of residential and visual amenities.*

*H15 Objective 1:*

*To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.*

*Policy E3: Energy Performance in Existing and New Buildings*

*Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.*

*12.3.1 Appropriate Assessment*

*12.3.2 Ecological Protection*

*12.3.3 Environmental Impact Assessment*

*12.4.1 Green Infrastructure Definition and Spatial Framework*

*12.4.2 Green Infrastructure and Development Management*

*12.5 Quality Design and Healthy Placemaking*

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*12.5.2 Design Considerations and Statements*

*12.5.3 Density and Building Heights*

*12.6 Housing - Residential Development*

*12.6.7 Residential Standards*

*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.*

#### *Family Flats*

*A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:*

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*

*12.7.4 Car Parking Standards*

*Table 12.26: Maximum Parking Rates (Residential Development)*

*12.11.1 Water Management*

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### **South Dublin County Council House Extension Design Guide (2010)**

The House Extension design guide contains the following guidance on house extensions, including front, side, rear and dormer 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.*

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).*

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

*Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage 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, (2009).*

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

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).*

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

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### Assessment

The main issues for assessment are assessment are as follows;

- Zoning and Council policy.
- Residential Amenity and Visual Impact.
- Drainage and Water Services.
- Parks and Public Realm.
- Green Infrastructure.
- Vehicular Access and Parking.
- Aviation Safety.
- Screening for Appropriate Assessment.
- Screening for Environmental Impact Assessment.

### *Zoning and Council Policy*

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. The proposed development would incorporate a Family flat, which is permissible in principle under the RES zoning objective, subject to their being in accordance with criteria for family flats outlined under Section 12.6.8 of the South Dublin County Development Plan 2022-2028 and the provisions of the South Dublin County Council House Extension Design Guide 2010.

### *Family Flat*

Under Section 12.6.8 of the CDP the following criteria applies to family flats:

*- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*

No information was provided demonstrating why a family flat is being applied for. Had the application been deemed otherwise acceptable, **additional information should be requested.**

*- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*

The proposed development would not exceed 50% of the floor area of the house.

*- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*

The proposed development would be detached from the main dwelling and would have separate access from the main dwelling. It is considered that the proposed development in its

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current layout cannot meet the requirement of the development plan and would require a significant redesign that is beyond the scope of the current application. Accordingly, it is recommended that the subject application should be refused.

*- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*

The proposed development would comply with this requirement.

*- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*

Based on the proposed design, the subject development could be easily converted into a separate dwelling. It is considered that these concerns cannot be overcome by a planning condition and therefore planning permission should be refused.

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

The proposed single storey one bedroom ancillary accommodation has an approximate gross floor area of 72 sqm and is comprised of a bedroom, kitchen/living/dining area, bathroom, storage and a garage.

Outlined below is an assessment of the residential amenity and visual impact of the proposed dwelling having regard to the content of Section 12.6.7 of the South Dublin County Development Plan 2022-2028:

#### ***Amendments to existing boundary treatment***

According to the drawings provided by the Applicant, there will be no significant amendments to the existing boundary treatment.

#### ***Vehicular Entrance and Car Parking***

According to the drawings provided by the Applicant, there will be no significant amendments to the Vehicular Entrance and Car Parking.

#### ***Overlooking & Overbearing impact***

The proposed development would result in an increase in height from the existing 2.55m high shed to the proposed accommodation with an approximate maximum height of 3.4m. no objections are raised in this regard.

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

The Report of the Drainage and Water Services Department has indicated no objection to the proposed development, subject to **CONDITIONS**.



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A Report provided by Irish Water indicates no objection to the proposed development, subject to standard **CONDITIONS**.

### ***Parks and Landscaping***

The Parks Department has reviewed the application and has indicated no objection to the proposed dwelling, subject to **CONDITIONS**.

### ***Green Infrastructure***

The subject site is located adjacent to the Liffey Valley Primary GI Corridor and the Adamstown Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4) and Table 4.1 of the South Dublin County Development Plan 2022-2028.

It is noted that, although the Application appears to include SuDS measures in the form of permeable paving and rainwater butts. Having regard to the nature and scale of the proposed development, which would largely have the same footprint as the existing garage and the inclusion of SuDS measures, it is considered that the proposed development would not have a significant adverse impact on the Green Infrastructure network.

### ***Vehicular Access and Parking***

It is noted that the proposed development will utilise the existing vehicular entrance to the subject site, with vehicular access provided to the proposed garage area via a gate adjacent to the western elevation of the dwelling.

The Roads Department have assessed the proposed development and have indicated no objection, subject to the following **CONDITION**:

‘Applicant to submit an AutoTRAK analysis showing how vehicles can safely access and egress the rear yard’.

Should the Planning Authority be minded to Grant Permission for the proposed development, it is considered that a **CONDITION** could be attached requiring the AutoTRAK analysis drawing to be submitted and agreed in writing, prior to the commencement of development.

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### ***Aviation Safety***

The subject site is located within a number of aviation safety zones for both Weston Airport and Casement Aerodrome.

Owing to the nature and scale of the proposed development, which is comprised of a single storey dwelling over largely the same footprint as the existing garage, it is considered that the proposal would not represent an aviation safety hazard and would be consistent with Section 10.2.6 and 12.10.4 of the South Dublin County Development Plan 2022-2028.

### ***Screening for 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 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.

### ***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 a single dwelling on a large site containing 1 No. existing dwelling and ancillary garage/shed structure.

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.

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### Other Considerations

#### Development Contributions

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22A/0449
<b>Summary of permission granted &amp; relevant notes:</b>	Demolition of a single storey domestic garage/shed to rear and the construction of a new single storey family annex unit with garage, largely over the same footprint as the original garage/shed unit and associated works.
<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>	€119.10
<b>Area of Development (m2)</b>	72
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	72
<b>Total development contribution due</b>	€8,575.20

#### SEA Monitoring

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq. m)</b>
Demolition of existing shed and construction of one bedroom dwelling.	72 sqm
<b>Land Type</b>	<b>Site Area (Ha)</b>
Brownfield / Urban Consolidation	0.065 Ha

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### **Conclusion**

Having regard to the policies and objectives outlined in the South Dublin County Development Plan 2022-2028, it is considered that the proposed development fails to comply with key requirements of Section 12.6.8 of the CDP the following criteria, regarding family flats. Accordingly, it is recommended that planning permission for the proposed development 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. The proposed development, would involve the provision independently accessible and self-contained residential unit that would not be directly accessible from the front door of the main dwelling via an internal access door and therefore would fail to comply with the Family Flat provisions of Section 12.6.8 Residential Consolidation of the South Dublin Council Development Plan 2022-2028 and if granted would set an undesirable precedent contrary to the proper planning and sustainable development of this location. The absence of a justification for the family-flat is also noted.

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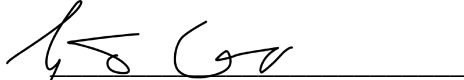
**REG. REF. SD22A/0449**

**LOCATION: 1, Weston Way, Lucan, Co. Dublin, K78 K257**

  
Colm Harte,  
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.

07/02/23

  
Gormla O'Corrain, Senior Planner