

# Comhairle Chontae Atha Cliath Theas

**PR/0146/23**

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

**Reg. Reference:** SD22A/0455      **Application Date:** 07-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 07-Dec-2022  
**Correspondence Name and Address:** BK Engineering Design Abbey Street, Ballyhaunis, Co. Mayo.  
**Proposed Development:** Demolish existing structures (total 98sq.m) and construct three detached, storey and a half dwelling houses and connect to public sewer, widening of the existing vehicular entrance and new gate together with all ancillary site works and services.  
**Location:** Townland of Perrystown, (laneway of, Muckcross Avenue), Perrystown, Dublin 12  
**Applicant Name:** Kristian Hogan, Ciara, Jarlath & Kevin Dolan  
**Application Type:** Permission

(COS)

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

Site Area: stated as 0.0841 Hectares on the application form.  
Site Visit: 1<sup>st</sup> of February 2023

### **Site Description**

The subject site is located to the rear of Muckcross Avenue in Perrystown. The site is accessed by a laneway which serves the rear gardens of residential properties in the surrounding area. It is a triangular shaped, backland brownfield site with no street frontage. The site is bounded by the laneway on the north-eastern and north-western boundaries. On the south-eastern boundary the site adjoins the rear gardens of residential properties facing Rockfield Avenue.

There are some sheds on the site along the boundaries. The site has a hard surface and there are a number of cars and mini-vans parked on site. The boundaries of the site comprise of a high concrete block wall.

### **Proposal**

Permission is being sought to demolish existing structures (total 98sq.m) and construct three detached, storey and a half dwelling houses and connect to public sewer, widening of the existing vehicular entrance and new gate together with all ancillary site works and services.

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### **Zoning**

The subject site is zoned 'RES': *'To protect and / or improve residential amenity'* under the 2022-2028 CDP.

### **Consultations**

Water Services	Additional information requested.
Irish Water	No objection subject to conditions.
Roads Department	Refusal recommended.
Public Realm	Additional information requested.
H.S.E. Environmental Health Officer	No objection subject to conditions

SEA Sensitivity Screening – the subject site overlaps with aviation layers.

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

Submissions expiry date 19<sup>th</sup> of January 2022.

8 no. third party submissions were received. These submissions have been reviewed in full and are summarised as follows:

- Site notices do not have planning application number and are not in areas visible to the public.
- Site has previously been refused for residential development.
- Laneway is not acceptable as entrance; it is narrow and unsafe.
- No room for two way traffic or footpath. Street lighting and footpaths required, there is no capacity on the laneway for these.
- Question whether taking in charge standard would be achievable.
- Reversing out of the lane will cause danger.
- Application misrepresents the existing traffic situation, current usage is intermittent, related to school times and with little to no usage at the weekends
- Loss of access to garages and accesses to other properties along this laneway. 24 hour access required.
- Laneway and rear gardens currently flood, and proposal would make this problem worse.
- Water pressure already weak, proposal would make this worse, strain existing sewage and water infrastructure.
- Removal of and impact on shared boundary walls
- Over intensive development of site
- Dwellings may as well be 2 storeys.

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- Issues with privacy and overlooking.
- Views from houses
- Application provides no details on visible impact, missing elevations.
- Oil fired heating systems are no longer permitted for new builds.
- Concerns with emergency and delivery vehicles access
- Heavy construction traffic poses a serious risk to damaging adjoining properties.
- Concerns with construction traffic, noise and dust and dirt

A representation was received from Councillor R. McMahon. This has been reviewed in full and is summarised as follows:

- Site is unsuitable due to access.
- Access lane is too narrow, unsafe during construction and operation, no room for footpath and roadway.

All submissions and representations have been reviewed in full and taken into consideration in the assessment of the proposed development.

### **Relevant Planning History**

#### ***Subject site***

SD19A/0403 & ABP Ref. ABP-306964-20

Demolition of the existing structures (total 98sq.m) and the construction of a single storey dwelling (270sq.m) with associated garage (20sq.m); connection to mains water and public sewer; widening of the existing vehicular entrance; new gate and all associated site works.

Permission refused by SDCC for the following reasons:

- 1. The generation of additional traffic both vehicular and pedestrian by the proposed development on the narrow unlit laneway, the lack of facilities or capacity to provide facilities for the cyclist/pedestrian traffic generated by the development and the lack of visibility due to high walls and the narrowness of the laneway combine to endanger public safety by reason of a traffic hazard.*
- 2. Having regard to the absence of sufficient detail relating to surface water and foul drainage and water supply the Planning Authority is not satisfied that the applicant has demonstrated that the proposed development can be achieved in accordance with the requirements of Irish Water and Surface Water Drainage.*
- 3. Having regard to the design of the proposed development, it would be considered to have an adverse impact in terms of residential amenity of adjoining properties and for future occupants, as the minimum standards for storage set out in the 'Quality Housing for Sustainable Communities, Best Practice Guidelines' have not been achieved and would be contrary to the*

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*Development Plan zoning 'RES' to protect and/or improve residential amenity. The proposal would be seriously injurious to the residential amenity of the area and of property in the vicinity.*

The decision was appealed to ABP. **ABP decided to grant permission.** The Board Order states *'In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the existing use of the site which permitted a maximum of 16 mini-vans used as school buses to be stored on the site and considered that the proposed residential development would constitute a more appropriate use of the site within a residential zoned area. Furthermore, it is noted that the proposed development utilises the existing access lane that is currently used by larger mini-bus vans and also by van drivers either walking or driving along the lane and considered that the proposed development of a single residential dwelling with two parking spaces would significantly reduce pedestrian and vehicular activity along the lane and would, therefore, be acceptable in terms of traffic and pedestrian safety. Furthermore, the Board noted that the shortfall in storage for the house had been addressed in the appeal submission and considered that the design and layout of the proposed single-storey dwelling provided a satisfactory response to this unusual site which would not seriously injure the residential amenities of adjacent dwellings and would provide a satisfactory level of residential amenity for future occupants. The Board considered, therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area'.*

SD16A/0415

A material change of use of existing yard from a builders providers yard to a car park for storage of mini vans used as school buses. The hours of operation are 7:30am buses depart and 4:30pm buses arrive back. This occurs Monday to Friday and when schools are open.

**Permission for retention granted.**

Relevant conditions:

*2. No more than 16 mini vans used as school buses shall be stored on the site. The use shall only be for parking of buses and shall not include servicing of any vehicles.*

*REASON: To ensure that the development is in accordance with the permission and in the interests of traffic safety.*

SD14A/0126

Construct two semi-detached dwelling houses (4 units) and connect to public sewer together with all ancillary site works.

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**Permission refused by SDCC** for the following reasons:

*1. The generation of additional traffic both vehicular and pedestrian by the proposed development on the narrow unlit laneway, the lack of facilities or capacity to provide facilities for the cyclist/pedestrian traffic generated by the development and the lack of visibility due to high walls and the narrowness of the laneway would combine to endanger public safety by reason of a traffic hazard.*

*2. Having regard to the County Development Plan Policy SN19 which requires that all new residential dwellings comply with the minimum requirements for overall unit sizes, internal room sizes and dimensions and sizes for storage as set out in the Quality Housing for Sustainable Communities-Best Practice Guidelines. (Department of the Environment, Heritage and Local Government, 2007), the overall bedroom floor areas would be significantly less than the minimum requirements for two storey two-bedroom houses. The proposed dwellings, therefore, represents a substandard form of development and would be unacceptable with regard to the residential amenity of the future residents of the dwellings. The proposed development would, therefore materially contravene the South Dublin Development Plan and would be contrary to the proper planning and sustainable development of the area.*

89A/1484

Retention of portacabin for use as ancillary offices and radio aerial at existing builder's depot.

**Permission for retention refused** for the following reason:

*1. The site of the proposed development is located in an area zoned 'to protect and/or improve residential amenity' in the Development Plan. The proposed development would materially contravene this zoning objective, be seriously injurious to the amenities of residential property in the vicinity and would not be in accordance with the proper planning and development of the area.*

### ***Muckross Avenue and Muckross Grove***

SD08A/0758 31A Muckross Avenue

Alterations to a previously permitted development (Reg. Ref. SD07A/0227) consisting of change in roof profile, amendments to the front elevation and increase in floor area of a proposed detached two-storey dormer style dwelling. **Permission granted. It does not appear that this permission was implemented.**

SD07A/0227 31 Muckross Avenue

Construction of a new detached two storey dormer style dwelling (to be known as 31A Muckross Avenue, Perrystown, Dublin 12) together with associated landscaping and new vehicular entrance to public roadway. **Permission granted.**

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Vehicular access was via the laneway. The planning report stated '*The Roads Department (verbal report from Tom O'Neill, Senior Executive Engineer) usually oppose such backland development and houses onto lanes such as this. However, in this case due to the short distance between the proposed entrance and the entrance to the laneway, and as the site is larger than the other plots and with very little potential for similar developments, it will not oppose this proposal subject to condition that a car can turn around within the site (to avoid reversing in the lane)*'. **It does not appear that this permission was implemented.**

### ***Rockfield Avenue***

SD22B/0216 32 Rockfield Avenue

Single storey extension to the rear including ancillary alterations and associated site works.

**Permission granted.**

SD06B/0444 & ABP Ref. PL06S.219513 32 Rockfield Avenue

Demolition of single storey garage and coal shed to the side of existing house; at ground floor new play/living room with utility room and wc to the rear; at first floor level to include bedroom with en-suite bathroom ; new stairs to access attic storage with 3 rooflights facing west and one rooflight facing north. **Permission granted. Decision appealed. Appeal withdrawn.**

SD06B/0137 34 Rockfield Avenue

Demolition of single storey garage and coal-shed, and development of new two storey side extension. The development will include at ground floor level a garage to include utility area and w.c. to the rear; new bay window to existing lounge at front of house; first floor to include bedroom with ensuite bathroom over garage; new stairs to access attic storage with 3 no. rooflights facing north and 1. no. roof light facing west. **Permission granted.**

SD05B/0233 36 Rockfield Avenue

Conversion of 20sq.m. single-storey utility room and garage at side, to disabled person's bathroom, dressing room and side entrance, with replacement hipped-end pitched roof, 6.9m long external wheelchair ramp and ancillary works. **Permission granted.**

### **Relevant Enforcement History**

Enforcement Ref. S7580. Now closed.

Enforcement Ref. S4183. Now closed.

### **Pre-Planning Consultation**

None identified in APAS.

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

*Policy NCBH1: Overarching*

*Policy NCBH2: Biodiversity*

*Policy NCBH3: Natura 2000 Sites*

*Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas*

*Policy GI1: Overarching*

*Policy GI2: Biodiversity*

*Policy GI3: Sustainable Water Management*

*Policy GI4: Sustainable Drainage Systems*

*Policy GI5: Climate Resilience*

*Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*

*Policy QDP3: Neighbourhood Context*

*Policy QDP7: High Quality Design – Development General*

*Policy QDP7: High Quality Design – Street Frontage*

*Policy QDP7: High Quality Design – Adaptability and Inclusivity*

*Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)*

*Policy QDP9: High Quality Design - Building Height and Density*

*Policy QDP10: Mix of Dwelling Types*

*Policy QDP11: Materials, Colours and Textures*

*Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment*

*H1 Objective 12:*

*Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:*

- there are unique site constraints that would prevent such provision; or*
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme.*

*Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).*

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*Policy H7: Residential Design and Layout*

*Policy H8: Public Open Space*

*Policy H9: Private and Semi-Private Open Space*

*Policy H10: Internal Residential Accommodation*

*Policy H11: Privacy and Security*

*H11 Objective 3:*

*To ensure that private open spaces, where it consists of gardens, are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security. In limited circumstances, some discretion may be provided for where the configuration of the space can provide for private and secure space, to a high quality, elsewhere on the site than behind the building line.*

*Policy H12: Steep or Varying Topography Sites*

*Policy H13: Residential Consolidation*

*Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.*

*H13 Objective 5:*

*To ensure that new development in established areas does not unduly impact on the amenities or character of an area.*

*Policy SM2: Walking and Cycling*

*Policy SM7: Car Parking and EV Charging*

*Policy COS5: Parks and Public Open Space – Overarching*

*COS5 Objective 7:*

*To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.*

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

*Policy IE2: Water Supply and Wastewater*

*Policy IE3: Surface Water and Groundwater*



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*12.3.1 Appropriate Assessment*

*12.3.2 Ecological Protection*

*12.3.3 Environmental Impact Assessment*

*12.4.2 Green Infrastructure and Development Management*

*12.5.1 Universal Design*

*12.5.2 Design Considerations and Statements*

*12.5.3 Density and Building Heights*

*12.5.4 Public Realm: (At the Site Level)*

*12.6.1 Mix of Dwelling Types*

*12.6.3 Unit Tenure*

*12.6.7 Residential Standards*

*12.6.8 Residential Consolidation*

### *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 smaller sites of approximately 0.5 hectares or less a degree of 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;*
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines.*
- Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
- 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 Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);*

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- *Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;*
- *All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;*
- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
- *Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.*

### *Backland Development*

*The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:*

- *Be guided by a site analysis process in regard to the scale, siting and layout of development;*
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;*
- *Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;*
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

### *12.6.10 Public Open Space*

#### *12.7.1 Bicycle Parking / Storage Standards*

#### *12.7.2 Traffic and Transport Assessments*

#### *12.7.4 Car Parking Standards*

#### *12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

#### *12.7.6 Car Parking Design and Layout*

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*12.10.1 Energy Performance in New Buildings*

*12.11.1 Water Management*

*12.11.3 Waste Management*

*12.11.4 Environmental Hazard Management*

### **Relevant Government Guidelines**

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

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

*Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.*

*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).*

*Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)*

*Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).*

*The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)*

*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991)*

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)*

*National Cycle Manual, National Transport Authority, (June 2011)*

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*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).*

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Planning History
- Access and Parking;
- Residential Amenity;
- Design and Visual Impact;
- Part V Provision;
- Green Infrastructure and Landscaping;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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

The subject site is zoned 'RES': *'To protect and / or improve residential amenity'* under the 2022-2028 County Development Plan (CDP). Residential development is permitted in principle under the RES zoning subject to its accordance with the relevant provisions in the CDP with specific reference to Section 12.6.8 Residential Consolidation in relation to infill sites and backland development.

### ***Planning History***

The subject site currently has retention permission, under Reg. Ref. SD16A/0415, for use of the site to store 16 no. mini vans used as school buses. The application state that the hours of operation are 7:30am buses depart and 4:30pm buses arrive back. This occurs Monday to Friday and when schools are open. In the Roads Department's report on this application stated *'that the access is not ideal, however the number of vehicle movements is relatively small, and the time of the vehicle movement is outside peak periods'*.

The subject site has previously been refused permission by SDCC for 4 no. houses, under Reg. Ref. SD14A/0126, and for a single house, under Reg. Ref. SD19A/0403, for reasons including the following in relation to access:

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*The generation of additional traffic both vehicular and pedestrian by the proposed development on the narrow unlit laneway, the lack of facilities or capacity to provide facilities for the cyclist/pedestrian traffic generated by the development and the lack of visibility due to high walls and the narrowness of the laneway would combine to endanger public safety by reason of a traffic hazard.*

The decision to refuse Reg. Ref. SD19A/0403 for a single house was appealed to An Bord Pleanála (ABP) (ABP Ref. ABP-306964-20). Permission was subsequently granted by ABP. The Board Order states *'In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the existing use of the site which permitted a maximum of 16 mini-vans used as school buses to be stored on the site and considered that the proposed residential development would constitute a more appropriate use of the site within a residential zoned area. Furthermore, it is noted that the proposed development utilises the existing access lane that is currently used by larger mini-bus vans and also by van drivers either walking or driving along the lane and considered that the proposed development of a single residential dwelling with two parking spaces would significantly reduce pedestrian and vehicular activity along the lane and would, therefore, be acceptable in terms of traffic and pedestrian safety.*

*Furthermore, the Board noted that the shortfall in storage for the house had been addressed in the appeal submission and considered that the design and layout of the proposed single-storey dwelling provided a satisfactory response to this unusual site which would not seriously injure the residential amenities of adjacent dwellings and would provide a satisfactory level of residential amenity for future occupants. The Board considered, therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area'.*

It is not considered that the reason for refusal relating to the access has been overcome in the subject application for 3 no. houses and still remains a concern of the Roads Department. This is discussed further in the following section of this report.

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

The proposed development would involve the widening of the existing vehicular entrance to the site and provision of a new gate. The site is accessed via the laneway off Muckross Avenue.

Third parties have raised concerns on the use of the laneway for the proposed development, including in relation to the width of the laneway not being wide enough to cater for two way traffic, footpath(s), lighting and turning of emergency and delivery vehicles.

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The Roads Department have reviewed the proposed development and **recommend refusal**:

*Access:*

*There is a 57m long by 4.8m wide laneway to the proposed dwelling. This is not wide enough for two way traffic. In addition, there would be no room for the provision of a pedestrian footpath of public lighting.*

*Parking:*

*The proposal is to provide 3 no. spaces for the 3 no. dwellings. This is considered acceptable for the size and location of the development.*

*Turning Movements:*

*The applicant has submitted a swept path analysis showing the turning movements of cars on the site. However, the applicant has not provided details on the turning movements of refuse and emergency vehicles. SDCC Roads Dept. would have serious concerns around the possibility or number and complexity of movements required for these vehicles to turn.*

*Roads Recommend Refusal.*

- 1. The generation of additional traffic both vehicular and pedestrian by the proposed development on the narrow unlit laneway, the lack of facilities or capacity to provide facilities for the cyclist/pedestrian traffic generated by the development and the lack of visibility due to high walls and the narrowness of the laneway combine to endanger public safety by reason of a traffic hazard.*
- 2. The multi-movements required to turn service vehicles is hazardous and totally dependent on a clear path being available at all times.*

The subject proposal is for 3 no. houses on the site. Given the zoning of the site the principle of residential development is acceptable. However, the provision of 3 no. houses on this site is not considered to be an appropriate approach given the access and location.

The existing laneway is not considered to be of a standard to appropriately provide the primary access to these 3 no. proposed houses and there are concerns in relation to emergency and service vehicle access and turning. The residential development of the site would warrant appropriate pedestrian and cyclist access. This has not been adequately provided for under the subject application.

Given the above, it is therefore considered that **permission should be refused**.

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### *Residential Amenity*

#### Existing Residential Amenity

The site is accessed by a laneway which serves the rear gardens of residential properties in the surrounding area. The site is bounded by the laneway on the north-eastern and north-western boundaries. On the other side of the laneway from the site are the rear gardens of residential properties facing Muckcross Avenue and Muckcross Grove.

The south-eastern boundary of the site adjoins the rear gardens of residential properties facing Rockfield Avenue. The rear elevations of the proposed houses would be setback approx. 5.3m to 9.1m from this boundary. No first floor windows are proposed on the rear elevations of the houses. Further information including contiguous and sectional drawings and a revised site layout plan is required to fully assess the potential impact of the proposed houses on the properties to the rear of the site.

Insufficient information has been submitted in relation to impact on existing residential amenity. In the event of a request for additional information it would be considered appropriate to request this information. Because the development is not considered acceptable in terms of access and traffic safety, and refusal is recommended, additional information is not appropriate in this instance. **Permission should therefore be refused on this basis.**

#### Standard of Proposed Accommodation

The proposed floor plans identify 2 no. bedrooms in each house. The proposed bedrooms would meet the minimum floorspace requirements of the 2022-2028 CDP and 2007 Quality Housing Guidelines. The proposed study in each dwelling is easily sized to be another bedroom (approx. 8.3sq.m). It is considered that essentially this would be a 3-bed house and available on the market as such.

The proposed houses would be approx. 125.32sq.m to 126.56sq.m in size, exceeding the minimum floorspace requirements of the 2022-2028 CDP and Quality Housing Guidelines 2007. The design complies with the 2022-2028 CDP and 2007 Quality Housing Guidelines but could be improved with the provision of more storage off circulation areas.

There are no windows to the first floor bathrooms, which is not desirable in terms of access to natural light. The applicant should be requested to provide a window to this bathroom on the side elevation of the houses. Opaque glazing on this window may be necessary to mitigate overlooking. However, as stated previously in this report, additional information will not be sought.

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#### Private Amenity Space

Table 3.20 'Minimum Standards for Houses' contained within the 2022-2028 CDP sets out the quantum of private open space that should be provided. A 3-bed house should have a minimum of 60sq.m. The quantum of private amenity space for each dwelling has not been specified. The proposed site layout plan indicates that the minimum private amenity space for each house can be achieved. Although, it appears that a portion of each space will be taken up for a rainwater harvesting tank. Sections and site levels have not been provided. Insufficient information has been submitted in relation to private amenity.

In the event of a request for additional information it would be considered appropriate to request a revision to ensure the proposal would provide adequate private amenity space. Because the development is not considered acceptable in terms of access and traffic safety, and refusal is recommended, additional information is not appropriate in this instance.

#### Public Open Space

No public open space is proposed onsite. While a contribution in lieu of public open space provision can be considered at the Planning Authority's discretion, under COS5 Objective 7 of the CDP, in this instance in consideration of the minimal quantum that would be owed, and subject to the adequate provision of open space on site to meet the needs of the residents, a contribution will not be sought.

#### ***Design and Visual Impact***

The proposed houses are arranged so that they are facing the laneway onto Muckcross Avenue. They are arranged so they are located in the centre of the site and the middle house is set forward from the other houses either side. They would share the same vehicular access from the laneway and parking would be to the front of each house.

Surrounding existing residential development consists of two storey, terraced housing with pitched or hipped roofs. The proposed houses are detached and two storey. They would have pitched roofs with a two storey gable feature and a dormer type extension at the front. The proposed external finishes include nap plaster and zinc type panels. The proposed design and form of the houses are considered to integrate well with the surrounding residential area. The houses are also well setback from Muckcross Avenue and would not be highly visible from this streetscape.

Insufficient information has been submitted in relation to the relationship between the proposed houses and adjoining properties, including those located to the rear of the site on Rockfield Avenue.



# Comhairle Chontae Atha Cliath Theas

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

### *Part V Provision*

There is currently an application in for a Certificate of Exemption from Section 96 of the Planning and Development Act 2000, as amended. Additional information has been requested in relation to this application. In the event a Certificate of Exemption is not obtained, and planning permission is granted, a Part V condition should be attached.

### *Green Infrastructure and Landscaping*

The subject site is not located within a green infrastructure area, corridor or link as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP.

Public Realm have reviewed the proposed development and raise the following concerns:

- *The submitted proposals have not sufficiently demonstrated compliance with GI policies as set out in the CDP 2022-2028. The applicant has not demonstrated how they have contributed to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission.*
- *Applicant has not demonstrated compliance in terms of the requirement to achieve the appropriate Green Space Factor for the development site. Appropriate Green Factor of 0.7 (as per Table 1: Minimum Green Space Factor Scores for Land Use Zonings) for the site must be achieved.*
- *Details of soft and hard landscaping including Sections/Elevations required.*
- *There is a lack of SuDS (Sustainable Drainage Systems) shown for the proposed development. Development proposals should provide suitable drainage measures in compliance with the South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022. The current layout is not in compliance with relevant policies relating to SUDS as set out in the CDP 2022-2028.*

Public Realm request that **additional information** is sought in relation to a detailed landscape design and plan including SUDS and green infrastructure, details of proposed boundary treatment to the front of the site, SUDS proposals, green infrastructure plan and green space factor.

The Planning Authority concurs that insufficient information has been submitted in relation to landscaping, SUDS and green infrastructure. In the event of a request for additional information it would be considered appropriate to request this. Because the development is not considered acceptable in terms of access and traffic safety, and refusal is recommended, additional information is not appropriate in this instance.

# Comhairle Chontae Atha Cliath Theas

## PR/0146/23

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#### *Infrastructure and Environmental Services*

The proposed development would involve connections relating to water supply, foul water and surface water.

Water Services have reviewed the proposed development and **request additional information** in relation to surface water:

*1.1 If a soakaway is proposed submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*

*Should a soakaway prove not to be feasible, then the applicant shall submit the following:*

- *Soil percolation test results demonstrating a soakaway is not feasible.*

*1.2 Surface water run-off from the site must be limited to pre-developed greenfield run off rates. The applicant is required to submit a report and a drawing clearly showing how surface water up to and including the 1:100 (1%) year critical storm with climate change allowance will be infiltrated on site to pre-developed greenfield run off rates in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) Volume 2- New Development requirements.*

*1.3 The applicant shall submit a drawing showing plan and cross-sectional views of proposed SuDS features for the proposed development such as but not limited to the following:*

- *Raingardens*
- *Planter boxes with overflow connection to the public surface water sewer*
- *Permeable paving*
- *Rainwater butts*
- *Other such SuDS*

*1.4 SuDS Explanatory, Design & Evaluation Guide is available on below link.  
[sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#)*

As stated previously in this report additional information will not be sought. The proposed development is considered inadequate in terms of green infrastructure and sustainable urban drainage systems.

Third parties have raised concerns in relation to flooding. Water Services have not raised any objection in relation to flood risk.

# Comhairle Chontae Atha Cliath Theas

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Irish Water have reviewed the proposed development and have no objection subject to a condition that water supply and wastewater connection agreement(s) with Irish Water are submitted prior to the commencement of development.

### *Environmental Health*

The H.S.E. Environmental Health Officer has reviewed the proposed development and state it is acceptable subject to standard conditions relating to construction noise and air quality. These conditions should be attached in the event of a grant of permission.

### *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 applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the demolition of existing structures on site and construction of 3 no. houses.

Having regard to:

- the nature of the development,
- the location of the development in a serviced 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.

### Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, the concerns raised by the Roads Department in relation to access and traffic safety, and insufficient information in relation to impact on existing residential amenity, it is considered that planning permission should be **refused**.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0146/23**

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

### **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 generation of additional traffic both vehicular and pedestrian by the proposed development on the narrow unlit laneway, the lack of facilities or capacity to provide facilities for the cyclist/pedestrian traffic generated by the development and the lack of visibility due to high walls and the narrowness of the laneway combine to endanger public safety by reason of a traffic hazard.
2. Insufficient information has been submitted in relation to impact of the proposed development on existing residential amenity. The proposed two storey houses would be approx. 5.3m to 9.1m from the rear boundary of residential properties on Rockfield Avenue. Further information including contiguous and sectional drawings and a revised site layout plan is required to fully assess the potential impact of the proposed houses on the properties to the rear of the site. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

# Comhairle Chontae Atha Cliath Theas

**PR/0146/23**

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

**REG. REF. SD22A/0455**

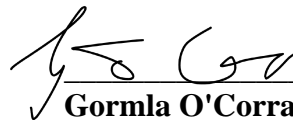
**LOCATION: Townland of Perrystown, (laneway of, Muckross Avenue), Perrystown,  
Dublin 12**



**Deirdre Kirwan,  
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:** 09/02/23



**Gormla O'Corrain, Senior Planner**