

Comhairle Chontae Atha Cliath Theas

PR/0151/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0498 **Application Date:** 15-Nov-2022
Submission Type: Additional **Registration Date:** 31-Jan-2023
Information

Correspondence Name and Address: Claire O' Neill Carricknabrick House,, Loughduff,,
Cavan, H12VY66

Proposed Development: Retention Permission for a detached structure in the
rear garden which includes Gym/Shower room utility
and store with connection to existing services

Location: 37, New Road, Clondalkin, Dublin 22, D22XV00

Applicant Name: Josephine Heraty

Application Type: Retention

(COS)

Description of Site and Surroundings

Site Area: stated as 0.050473 Hectares on the application form.

Site Visit: 30th of November 2022.

Site Description

The subject site is located on the corner of New Road and Knockmeenagh Road in Brideswell Commons. The site has vehicular accesses from both New Road and Knockmeenagh Road and a separate pedestrian access gate from Knockmeenagh Road. The site consists of single storey, semi-detached dwelling. The dwelling has an existing single storey rear extension. There is a single storey detached structure in the rear garden, which is the subject of this application. Surrounding residential development comprises of housing with a mix of forms and character.

Proposal

Retention permission for a detached structure in the rear garden which includes Gym/Shower room utility and store with connection to existing services.

Zoning

The subject site is zoned 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2022-2028.

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Consultations

Water Services	No report received at the time of writing this report.
Irish Water	No report received at the time of writing this report.
Roads Department	No objections.
Public Realm	No comments/conditions to add.

SEA Sensitivity Screening – the site overlaps with aviation layers.

Submissions/Observations /Representations

No third party submissions received.

Relevant Planning History

Subject site

None.

Adjoining and surrounding sites

SD22B/0536 No. 39 New Road

Demolish the existing rear extension to the rear of the existing semi-detached bungalow and construct a new extension to the rear with a roof structure to match existing with rooflights; New bay window to side, internal alterations & associated site works. **Currently under consideration.**

Relevant Enforcement History

Enforcement Ref. S9011

Alleged habitable dwelling in rear garden. **Subject application appears to be in response to this file.**

Pre-Planning Consultation

None identified.

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

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GI2 Objective 4:

To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI4: Sustainable Drainage Systems

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.

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 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.

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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

12.6 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.

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.11.1 Water Management

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance.

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).

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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).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Access and Parking;
- Green Infrastructure;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is located within zoning objective 'RES': '*To protect and/or improve residential amenity*'. Structures ancillary to the main residential use would be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2022-2028.

Visual and Residential Amenity

The proposed development is for the retention of a detached structure in the rear garden which includes a gym, shower room, utility and store with connection to existing services. The structure is approx. 3.0m in overall height. It is approx. 5.8m by 5.7m in external size with an internal floor area of approx. 28sq.m.

The submitted site plan indicates the separation distances of the structure from the site boundaries. The plan indicates that the structure is setback approx. 1.2m from the side boundary shared with No. 39 New Road, approx. 0.7m from the rear boundary and approx. 1.3m from the south south-eastern internal garden wall. However, from a site visit it appears that the structure is closer to (possibly abutting) these boundaries than indicated on the submitted site plan. The applicant should be requested to submit revised drawings, including a revised site plan, showing

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the accurate extent of the structure for retention. **This can be addressed by way of additional information.**

There are no proposed contiguous elevations of the proposed development submitted with the application. These are required as per the Planning and Development Regulations 2001, as amended, and for the full assessment of the development. **Proposed contiguous elevational drawings should be submitted by way of additional information.**

The submitted floor plan shows that the structure consists of store, gym area, shower room with w.c. and utility room. However, the outbuilding is intended for ancillary use. Its use should therefore only be incidental to the existing dwelling and not used as a separate living dwelling. The services connection including the w.c. should therefore be omitted from the structure. **Revised drawings should be submitted by way of additional information.**

The structure can be retained for ancillary use only and should not be used for habitation or any other purpose. A separate condition should to this effect should be attached in the event of a grant of permission.

The subject site is a corner site. The structure to be retained is located to the rear of the dwelling in the north-east corner of the site, in the dwelling's rear amenity space. The house has an existing rear extension. An accurate site plan is required to ascertain if sufficient rear amenity space would be retained.

The external materials and finishes are a timber finish on the walls with a cold flat roof. The materials are considered to be visually acceptable.

Access and Parking

The Roads Department have reviewed the proposed development and have no objections. No changes are proposed to the access and parking.

Green Infrastructure

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. Having regard to the location, nature and scale of the development it is considered to be in accordance with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028.

Infrastructure and Environmental Services

No reports have been received from Water Services or Irish Water. Standard conditions should apply in the event of a grant of permission.

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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 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 retention of a detached structure in the rear garden.

Having regard to:

- the small scale and domestic 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 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, 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

Request Additional Information.

Additional Information

Additional Information was requested on the 17th of January 2023.

Additional Information was received on the 31st of January 2023 (not deemed significant).

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Assessment

Item 1 Requested

(a) The submitted site plan indicates the separation distances of the structure from the site boundaries. The plan indicates that the structure is setback approx. 1.2m from the side boundary shared with No. 39 New Road, approx. 0.7m from the rear boundary and approx. 1.3m from the south south-eastern internal garden wall. However, from a site visit it appears that the structure is closer to (possibly abutting) these boundaries than indicated on the submitted site plan. The applicant is requested to submit revised drawings, including a revised site plan, showing the accurate extent of the structure for retention.

(b) There are no proposed contiguous elevations of the proposed development submitted with the application. These are required as per the Planning and Development Regulations 2001, as amended, and for the full assessment of the development. Proposed contiguous elevational drawings should be submitted by way of additional information.

Applicant's Response:

(a) The applicant has submitted a revised site plan with revised separation distances of the structure from the site boundaries.

(b) Contiguous elevational drawings showing the structure have been submitted.

Assessment:

The revised site plan indicates that the structure is located approx. 0.59m from the side boundary shared with No. 39 New Road, approx. 0.55m from the rear boundary (adjoining a driveway) and approx. 1.5m from the south south-eastern internal garden wall. It is approx. 6.8m from the south south-eastern boundary with Knockmeenagh Road.

Given the scale and design of the structure it is not considered it would have an unacceptable impact on the amenity of adjoining and surrounding residential properties. It is therefore considered that this item has been satisfactorily addressed.

The elevational drawings do not appear to show accurate boundary walls compared to what is on site. The applicant should satisfy themselves that these have the relevant planning permission(s) or are exempt.

Item 2 Requested

The submitted floor plan shows that the structure consists of store, gym area, shower room with w.c. and utility room. However, the outbuilding is intended for ancillary use. Its use should therefore only be incidental to the existing dwelling and not used as a separate living dwelling. The services connection including the w.c. should therefore be omitted from the structure. Revised drawings should be submitted by way of additional information.

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Applicant's Response:

The applicant advises that the use of the structure is intended for ancillary use to the main house and will not be used as a separate living area. The WC connection will be omitted from the structure.

Assessment:

No floor plans have been submitted showing the w.c. removed from the proposed structure. This can be addressed by way of condition.

A condition should also be included restricting the use of the structure solely for purposes incidental to the enjoyment of the dwelling house. It is therefore considered that this item has been satisfactorily addressed subject to conditions.

Development Contributions

Retention of non-habitable structure

Assessable area = Nil

SEA monitoring

Building Use Type Proposed: Residential extension.

Floor Area: 33.06sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.050473 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the

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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 to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 31st of January 2023, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Restriction on Use of the Garden Room.
The detached garden structure shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.
REASON: In the interest of orderly development and the proper planning and sustainable development of the area.
3. Amendments.
Within three months of the final grant in permission, the applicant/developer shall omit the WC from the detached garden structure.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
4. 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.

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REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

5. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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.

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REG. REF. SD22B/0498

LOCATION: 37, New Road, Clondalkin, Dublin 22, D22XV00



**Caitlin O'Shea,
Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 13/02/2023



**Deirdre Kirwan,
Senior Executive Planner**