

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

**Reg. Reference:** SD22B/0526      **Application Date:** 13-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 13-Dec-2022  
**Correspondence Name and Address:** Space Plus Willow Cottage, Dixon Lane, Ballycorus Road, Kilternan, Co. Dublin  
**Proposed Development:** Single storey flat roof ancillary garden structure to side of existing building with associated site works.  
**Location:** Willow Lodge, Banshee, Straffan, Dublin, W23YW82  
**Applicant Name:** David and Joan Milligan  
**Application Type:** Permission

(EW)

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

**Site Area:** 0.1707 Hectares.

### **Site Description:**

The application site consists of a bungalow house that is located within the rural area of Banshee in Straffan. The area is predominantly rural with an industrial site to the east and residential to both the north and south. The remaining area is predominantly green open fields.

### **Proposal:**

The proposal for *Planning Permission* consists of the following:

- Single storey flat roof ancillary garden structure to side of existing building with associated site works.

### **Zoning:**

The subject site is subject to zoning objective 'RU' which seeks 'To protect and improve rural amenity and to provide for the development of agriculture.'

### **Consultations:**

Surface Water Drainage – No report received, standard conditions to apply.  
Irish Water – No report received, standard conditions to apply.  
Roads- No objections.

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

*SEA Sensitivity Screening* – Overlap indicated with Rural 2016.

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

None recorded for subject site.

### **Relevant Planning History**

None recorded for subject site.

### **Adjacent sites**

None relevant for subject site proposal.

### **Relevant Enforcement History**

None relevant for subject site proposal.

### **Pre-Planning Consultation**

None recorded for subject site.

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

#### *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.

#### *6.8.2 Residential Extensions*

##### *Policy H14: Residential Extensions*

Support the extension of existing dwellings subject to the protection of residential and visual amenities.

*H14 Objective 1:* To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

### *Policy GII: Overarching*

*GII Objective 4:* To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

### *Backland Development*

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria: à Be guided by a site analysis process in regard to the scale, siting and layout of development. à Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area. à Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking. à Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

### *Green Infrastructure*

- Policy GII: Overarching Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.
- ***GII Objective 4:*** To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.
- ***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*.

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

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

### Rear Extensions

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

### Daylight and over shadowing

- *Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.*
- *Prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property, by not locating an extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation. If the extension has a pitched roof, then the top of the extension can be taken as the height of its roof halfway along the slope.*

### 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 are:

- Zoning and Council policy
- Residential and Visual amenity
- Drainage
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

# Comhairle Chontae Atha Cliath Theas

PR/0162/23

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

### *Zoning and Council Policy*

Ancillary garden structure development is in principle consistent with zoning objective 'RU' – 'To protect and improve rural amenity and to provide for the development of agriculture.' A detached garden room to the rear of the existing site is considered to be a part of the permitted residential use.

### *Residential & Visual Amenity*

#### Detached Home Office

The proposed home office development is located 7.4m south of the existing detached bungalow dwelling. Noted are the existing structures on site. Outbuilding development is already evident with two structures, one at 12sq.m and the other 8.5sq.m to the site's eastern boundary. The home office room has an overall floor area of 28.5 sq.m with a flat roof height of 2.9m that is 1.2m away from the south boundary wall. The design of this structure is considered acceptable on this 0.1707 Hectares site with sufficient rear amenity space being retained. It is separate from the visual and residential amenities of the area. It is recommended that the condition be imposed, requiring the exterior walls of the shed to be rendered and painted.

As noted by the submitted drawings, the proposed garden room structure appears to be habitable with a wc. However, the outbuilding is intended for ancillary use and shall only be incidental to the existing dwelling and not used as a separate dwelling; thus, a **condition** shall be attached to omit the wc. In addition, the office room shall remain for ancillary use only and shall not be used for habitation or any other purpose. Therefore, a separate **condition shall also be attached to this effect.**

The contemporary structure has one double-door entrance to the garden and one window on the north-facing elevation. It is noted that the roads department has no objection as no additional access is required to the main rear gardens. The materials used are considered acceptable. The scale and size of the outbuilding are relatively in proportion and context to the surrounding rear structures to the north boundary when combined. No overbearing impact on the neighbouring dwellings to the east and west is envisaged. The current boundary wall/fences to the sides and rear are retained. Therefore, subject to the above conditions, it is deemed acceptable under the Development Plan provisions, and a grant of permission is recommended.

### *Services & Drainage*

Water Services have not submitted a report however, the proposed development is subject to standard conditions regarding standard codes of practice and the addition of water butts. Regarding Irish Water, a report has not been received however, the retained development is noted that the wc shall be conditioned to be omitted from the rear home office.

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

### **Green Infrastructure**

The site boundary is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028). A **condition** for surface water shall include for SuDS measures in the form of water butts.

Having regard to the extent of private amenity grassland retained, the provision of SuDS measures, it is considered that the subject development, has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

### ***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 a single office room to rear.

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.

### ***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.

### ***Development Contributions***

- Home Office Structure (conditioned as ancillary and non-habitable): 28.5 sq.m

Assessable area: Nil.

### **SEA Monitoring**

*Building Use Type Proposed:* Residential extension.

*Floor Area:* 28.5 sq.m

*Land Type:* Brownfield/Urban Consolidation

*Site Area:* 0.1707 Hectares.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0162/23**

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

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the 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. It is considered that the proposed office room structure would be in compliance with Council policy in relation to extensions to dwelling houses.

### **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. Amendments.  
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:  
Revised plans that incorporate all of the following amendments-  
(a) Omit the WC from the garden room/gym structure.  
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Restriction on Use of the Shed/Garden Room/Gym.  
The Shed/Garden Room/Gym shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the

# Comhairle Chontae Atha Cliath Theas

**PR/0162/23**

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

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.

4. The external walls of the home office shall be finished cement render and painted.

REASON To ensure an acceptable standard of development

5. Surface Drainage.

Within 6 months of the issuance of the Final Grant, the applicant shall install water butts in connection with the approved detached garden soom as a sustainable drainage system measure and thereafter the water butts shall function to infiltrate surface water from the detached structure within the site.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

6. (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) 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.

- (d) 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-



# **Comhairle Chontae Atha Cliath Theas**

**PR/0162/23**

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

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 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.

# Comhairle Chontae Atha Cliath Theas

PR/0162/23

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

REG. REF. SD22B/0526

LOCATION: Willow Lodge, Banshee, Straffan, Dublin, W23YW82



**Evan Walsh,**  
Assistant 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:** 14/02/2023



**Deirdre Kirwan,**  
Senior Executive Planner