

Comhairle Chontae Atha Cliath Theas

PR/0157/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0521 **Application Date:** 09-Dec-2022
Submission Type: New Application **Registration Date:** 09-Dec-2022
Correspondence Name and Address: James M. Briscoe 68, Carrickhill Road, Portmarnock, Co. Dublin.
Proposed Development: Widen pedestrian access to create a vehicular access and hard standing parking area to the front; Retention of single storey extensions to rear; Retention of garage to the rear and permission for the Change of Use to quiet room, wet room and play room.
Location: 70, St. Joseph's Road, Greenhills, Dublin 12
Applicant Name: Danio Joseph
Application Type: Permission and Retention
(DMG)

Description of Site and Surroundings:

Site Area: as stated 0.02 Hectares.

Site Description:

The existing house is a two-storey mid-terraced house with a pitched roof located on St. Joseph's Road, Greenhills. There is a laneway located to the rear abutted by residential garages. The lane opens out to Greenhills Community Centre. Greenhills is an established predominantly residential area.

Site Visited:

16/01/2023

Proposal:

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

- Existing single-storey rear extension.
- Garage to the rear.

The proposal consists of *Permission* for the following:

- For the change of use of the rear garage (retention permission) to quiet room, wet room and playroom.
- Widen the pedestrian access to create a vehicular access and hard standing parking area to the front.

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Zoning:

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

Consultations:

<i>Surface Water Drainage</i> –	No report received; standard conditions apply.
<i>Irish Water</i> –	No report received; standard conditions apply.
<i>Roads</i> -	No objections, subject to conditions
<i>SEA Sensitivity Screening</i> -	No overlap with SEA Sensitivity Layers.

Submissions/Observations /Representations:

Submission expiry date 23/01/2023.

No submissions received.

Relevant Planning History:

No planning history found on record.

Adjacent sites

SD22B/0131 – 52 St. Joseph's Road, Greenhills, Dublin 12. **GRANTED.** Single and two storey extension to the rear with pitched gable end roof and two dormers; new single storey extension with hip roof to the front; demolition of existing shed to the rear; new vehicle access to the front with dished footpath; attic conversion for storage incorporating gable end distorted window at the side; dormer window and 'Velux' roof lights to the rear.

SD19B/0351 – 31 St. Joseph's Road, Greenhills, Dublin 12. **GRANTED.** Demolition of front boundary wall; removal of gate and pillars, construct new driveway with two new pillars and vehicular access including dishing of kerb and grass verge.

Relevant Enforcement History

S9021 – live case regarding habitable structure in rear.

Pre-Planning Consultation

None on record.

Relevant Policy in South Dublin County Council Development Plan 2022 – 2028

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

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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).

H14 Objective 2: To review and update the South Dublin County Council *House Extension Design Guide* (2010) during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

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.

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.

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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: Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity of biodiversity value of these 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.

12.7.6 Car Parking Design and Layout:

Widening of Driveways to Accommodate In-Curtilage Parking: Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces.
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated.
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

Relevant Government Guidelines

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

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

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).

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Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Roads
- Service water and drainage
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The development comprising of the widening of pedestrian access to create a vehicular access and hard standing, single storey rear extension and garden room to the rear is consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan 2022-2028 and the *House Extension Design Guide (2010)*.

Residential & Visual Amenity

Single Storey Extension to the rear of the dwelling:

The retained rear extension is a flat roof extension with a height of 3m (2.65m internally). It consists of open plan dining area/kitchen and separate utility, bathroom and ante room. It would extend the width of the property with no setback from the boundaries of the adjacent properties and would be circa 8 m deep. As a general rule of thumb, the depth of a dwelling should not be increased by more than 50% of the depth of the original dwelling in this instance a depth of approx. 3.85m would be considered more appropriate. However, while the depth of the ground floor extension is considered large, it is noted that most dwellings in the area have constructed ground floor extensions of similar depth, albeit without planning consent, and therefore the proposed depth of the single storey rear extension would be acceptable.

The scale is considered acceptable and would not be overbearing or result in overlooking adjacent properties. It is noted that the adjacent properties have similar single-storey extensions to the rear, and this minimises the impact of overshadowing. Accordingly, the proposed design is considered acceptable.

Detached Garden Room (Quiet Room/Playroom/Wet Room):

The retained detached rear Garden Room structure is located 8.3m south of the existing rear extension of the two-storey semi-detached dwelling. The building would be circa 55.20 sq.m. in size internally, measuring 5.3m x 11.9m externally. The structure has a pitched roof with an overall roof ridge height of circa 3.85m.

The submitted floor plan shows that the structure would consist of a quiet room, playroom, wet room and a separate access corridor from the laneway. The structure has access to the rear

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garden via a door (width 1m) and rear access from the laneway via a door (width 1 m) and a sliding security shutter (width 3m). 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 habitable accommodation. The services connection including the wet room and associated infrastructure shall therefore be omitted from the structure. The rear sliding security shutter and rear window shall be omitted from the structure. **Revised drawings shall be submitted prior to the commencement of development**, requiring revised plans for the approval of the planning authority with the omission of the wet room, the rear sliding door and the rear window.

Under the County Development Plan, a new three-bedroom dwelling requires a minimum of 60sq.m of rear amenity space to comply with new builds as set out in the Minimum Space Standards for Houses set out in the South County Development Plan 2022-2028. However, in this existing established retention proposal, the minimum standard of 25 sq.m is achieved with circa 44sq.m and therefore is acceptable. Also noted is the pattern of development in the immediate area, rear outbuilding development is evident in the majority of adjacent dwellings.

It is recommended that the **condition** be imposed requiring all exterior walls of the shed to be rendered and painted.

The current boundary walls 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 retention permission is recommended.

Widening of driveway to create a vehicular access and hard standing:

The proposal seeks to widen the existing 1m wide pedestrian access and remove the front boundary wall to number 70 St. Josephs Road. The subject dwelling currently has no vehicular entrance or in-curtilage parking. The application proposes to widen the current entrance to 3.5 m in width, with two piers of 1.3m in height and remaining boundary wall of .8m.

The proposed driveway is a selected hard surface finish with two planted areas either side of the driveway. The proposal would have an acceptable visual impact and is deemed acceptable; however, no material finishes or SUDS measures are proposed for the driveway. Section 12.7.6 of the Development Plan (2022-2028) states that 'where a hard surface is proposed to accommodate parking in the front garden area, permeable paving shall be used, in the interest of sustainable drainage.' This can be addressed by way of **condition** in the event of grant of permission.

The application proposes a driveway width between the piers of 3.5m, which is acceptable. The widened driveway proposes a driveway length of circa 7m, which is acceptable.

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Roads

No Roads objections subject to the following **conditions**:

1. The vehicular access points shall be limited to a width of 3.5 metres.
2. Boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

Services & Drainage

Water Services have not submitted a report however, the retained 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, it is noted that the wet room shall be conditioned to be omitted from the rear detached garden room structure.

Green Infrastructure

The subject application provides for a relatively small increase in the footprint of the subject house on an established suburban residential site. The site appears to be located within a Primary GI Corridor 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) but given the size, scale and nature of the proposed development, a full GI assessment for the proposed development 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 of a rear extension, garden room and widening of driveway.

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 and retained 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 and retained development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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Development Contributions

Retained rear structure/garden room (conditioned as ancillary and non-habitable) – 55.20 sq.m.
Assessed as nil.

Development Contributions	
Planning Reference Number	SD22B/0521
Summary of permission granted & relevant notes:	Residential Extension –40.8 sqm. No Previous extension.
Are any exemptions applicable?	Yes. The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will apply to development for which retention permission is sought.
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	40.8 sq.m.
Amount of Floor area, if any, exempt (m2)	40 sq.m.
Total area to which development contribution applies (m2)	0.8 sq.m.
Total development contribution due	€95.28

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SEA Monitoring

Building Use Type Proposed: Residential extension.

Floor Area: 40.8sq.m

Land Type: Urban Consolidation

Site Area: 0.02 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the **conditions** set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that permission be granted for the proposals subject to the Conditions set out in the First Schedule hereto. 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 & Grant Retention 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. (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.

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(b) Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank 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,

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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.

3. Amendments.

Within 6 months of the date of final grant of permission, the 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) The removal of the wet room and rear window to laneway of therear garden room
- (b) A revised plan for driveway hard standing to specify SuDs solutions;
- (c) A revised design of the driveway piers/pillars to be a maximum height of 1.2m;

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. The single storey garden structure/quiet room/playroom shall be used solely for the purposes incidental to the enjoyment of the dwelling house and as such 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: To prevent unauthorised development.

5. Sustainable Urban Drainage Systems (SuDs) - The applicant shall propose Sustainable Drainage Systems (SuDS) features for the development. Sample SuDs devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance. In addition the applicant should consider the provision of Water butts as part of the SuDS proposals.

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REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under SECTION 4.2.2. SUSTAINABLE WATER MANAGEMENT and other relevant policies in the South Dublin County Council Development Plan 2022-2028.

6. External Finish.

The exterior walls of the single storey garden structure/quiet room/playroom shall be rendered and painted.

REASON: To ensure an acceptable standard of development.

7. Dish Kerb and Footpath.

The kerb and footpath of the public road at the vehicle entrance(s) shall be,

(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense, and

(b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

8. The developer shall pay to the planning authority a financial contribution of €95.28 (Ninety five euro and twenty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2016 - 2020, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2016 - 2020.

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

NOTE RE: CONDITION

Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

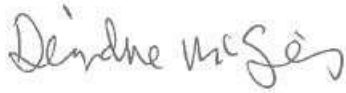
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REG. REF. SD22B/0521

LOCATION: 70, St. Joseph's Road, Greenhills, Dublin 12



**Deirdre MC Gennis,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant 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


**Colm Harte,
Senior Executive Planner**