

# Comhairle Chontae Atha Cliath Theas

**PR/0357/23**

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

**Reg. Reference:** SD22B/0178      **Application Date:** 28-Apr-2022  
**Submission Type:** Clarification of      **Registration Date:** 10-Mar-2023  
Additional  
Information

**Correspondence Name and Address:** William Donoghue & Associates Woodlands,  
Rathangan, Co Kildare

**Proposed Development:** Alterations to the existing roof structure of existing habitable dwelling; construction of a single storey extension to the rear and side of the existing dwelling including changes to all elevations; construction of a single storey porch to the front of existing dwelling including changes to all elevations; construction of a raised patio area to the rear elevation of the existing dwelling; decommissioning of existing septic tank and installation of a wastewater treatment plant and percolation area and all ancillary site works.

**Location:** Blackthorn Hill, Coolmine, Saggart, Co. Dublin

**Applicant Name:** Jamie Goldrick

**Application Type:** Permission

(AOCM)

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

Site Area: stated as 0.73 hectares.

#### Site Description:

The site is located in the rural location of Crockaunadreenagh Coolmine Saggart, to the South of the Redgap area in Rathcoole. The existing site contains a detached bungalow property with a hipped roof profile and also contains a stand-alone garage structure to the south of the dwelling. The site is bounded by a stone wall with mature hedgerows. The site slopes from south to north. There are sporadic dwellings in the vicinity that have a variety of architectural styles. The character of the surrounding area is rural. Long distance views are available from the site to the north and northeast. Views of the site are evident from the public road when approaching from the west and adjacent to the outside of the property's driveway.

#### Site visited:

3 June 2022

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### **Proposal:**

**Permission** is sought for the following:

- Alterations to roof structure
- Construction of a single storey side and rear extension
- Pitched roof porch on front elevation
- Raised patio to rear
- Decommissioning of existing septic tank and installation of wastewater treatment plan and percolation area

### **Zoning:**

The subject site is subject to zoning objective HA-DM - '*to protect and enhance the outstanding natural character of the Dublin Mountains Area*'.

### **Consultations:**

Roads – **Additional Information** recommended

Surface Water Drainage – **No objection**

Environmental Health – No objection, **conditions** recommended

### **SEA Sensitivity Screening**

Indicates overlap with Rural 2016 and HA-DM

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

Submission expiry date – 1 June 2022

No submissions or objections received.

### **Relevant Planning History**

**SD21B/0041:** Two storey split level extension to existing cottage and all associated site works.

**Permission refused.**

### **Reasons for refusal:**

1. *The proposed development by reason of its excessive mass and scale would adversely impact the Rural Area and is considered to be a new dwelling rather than the extension of an existing dwelling. The development, as proposed, would contravene Policy H23, Policy H27 and the HADM zoning objective, which seeks to 'to protect and enhance the outstanding natural character of the Dublin Mountains Area' under the South Dublin County Council Development Plan 2016- 2022. It therefore is contrary to the proper planning and sustainable development of the area.*
2. *The proposed development makes unnecessary use of cut-and-fill on a site of steep topography. This approach is in contravention of Policy H9 Objective 2 of the County Development Plan and Policy H27 which relates specifically to residential developments*

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*in the High Amenity Dublin Mountains area. There is scope on the site for an alternative approach to extending the subject dwelling. A grant of permission for a split level extension down the hill, in these circumstances, would not be an appropriate response to the topography of the site or the surrounding context of the high amenity Dublin Mountains area, and would be contrary to the land-use zoning objective, and, as such, the proper planning and sustainable development of the area.*

3. *The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.*
4. *The applicant has failed to demonstrate that the proposal satisfies the requirements of Policy H27 of the South Dublin County Development Plan 2016-2022. In particular, it has not been shown how the proposal:*
  - *Is designed and sited to minimise impact on the landscape including views;*
  - *Is designed and sited to minimise impact on the site's natural contours and natural drainage features;*
  - *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls;*
  - *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
  - *Would not create or exacerbate ribbon or haphazard forms of development.*

*The development, as proposed is therefore considered to be contrary to Policy H27 of the South Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.*
5. *Having regard to the lack of information submitted in relation to car parking and access for the proposal on the site, the Planning Authority is not satisfied on the basis of the information submitted that the proposed development would not give rise to traffic hazard.*

**SD20B/0309:** Single storey extension to existing cottage. Temporary single storey dwelling for the duration of construction works. All associated site works. **Permission refused.**

### Adjacent sites

**SD18B/0521:** Redgap, Rathcoole, Co. Dublin. SDCC **Granted Permission** for (a) ground floor kitchen extension of 20sq.m; (b) first floor extension of 39sq.m to provide an additional bedroom with walk-in wardrobe and bathroom; total area of extension to house is 59sq.m.

**SD14B/0105:** Vale View, Coolmine, Saggart, Co. Dublin. SDCC **Granted Permission** for Single storey extension to side of detached bungalow with tiled pitched roof to match existing.

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**SD12B/0126:** Redgap, Rathcoole, Co. Dublin. SDCC **Granted Permission** for Single storey extension to the rear; single storey front porch; internal alterations; amendments to existing elevations and alterations to the existing entrance; associated site works.

**SD11B/0153:** Crockaunadreenagh, Rathcoole, Co. Dublin. SDCC **Granted Permission** for alterations and extension to an existing detached single storey house with basement to include: lowering of existing ground floor level; provision of single storey extension to front, rear and east and west side with dormer extension at first floor to include 2 dormer windows, 2 rooflights and 2 dormer gables with windows to front with 3 dormer windows and 2 rooflights to rear; alterations to include altering existing window opes and providing new windows on all sides; external works include provision of new single storey garage to rear, widening of existing vehicular access, replacement of existing septic tank and upgrading of existing percolation area to the front and all associated site works. Significant Additional Information: reduction of projection, width, and height of two storey gable on west side of front elevation; omission of gable to east side of front elevation; provision of additional first floor dormer window to east side of front elevation; extension of first floor dormer to rear and relocation of existing front vehicular access to 10 metres west of existing access.

**SD04B/0030:** Lothlorien, Crockaunadreenagh, Saggart, Co. Dublin. SDCC **Granted Permission** for alterations and extensions to existing residence. Works consist of new snooker/playroom at west side with detached garage at rear. Alterations to building consists of replacing ground floor window with French doors, also replace 2 'Velux' roof lights at front with 3 new dormer windows and removal of bull eye window to eastern gable end with cantilevered bay window for light and ventilation to ensuite bathroom. Fitting out of existing converted attic as two ensuite bedrooms. Also new landscaping scheme with timber boardwalk at front, screened from road with shrubbery planting.

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

*Section 2.5.0 Rural Housing*

*Policy H20 Management of Single Dwellings in Rural Areas*

*Policy H21 Rural Housing Policies and Local Need Criteria*

*Policy H23 Rural Housing in HA – Dublin Mountains Zone*

*Section 2.5.5 Rural Housing In HA – Liffey Valley and HA – Dodder Valley*

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*Policy H24 Rural Housing in HA – Liffey Valley and Dodder Valley*

*Section 2.5.6 Replacement Rural Dwellings*

*Policy H25 Replacement Dwellings in Rural and High Amenity Areas*

*Section 2.5.7 Rural Dwelling Occupancy*

*Policy H26 Occupancy Condition*

*Section 2.5.8 Rural House & Extension Design*

*Policy H27 Rural House & Extension Design*

*Section 2.4.1 Residential Extensions*

*Policy H18 Residential Extensions*

*It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.*

*Policy H18 Objective 2:*

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

*Section 7.1.0 Water Supply & Wastewater*

*Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater*

*Policy IE2 Surface Water & Groundwater*

*Section 8.1.0 Green Infrastructure Network*

*Policy G2 Green Infrastructure Network*

*Section 9.1.0 Built Heritage and Architectural Conservation*

*Policy HCL 1- Overarching*

*Section 9.1.1 Archaeological Heritage*

*Policy HCL 2 Archaeological Heritage*

*Section 9.2.0 Landscapes*

*Policy HCL7 Landscapes*

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*Section 9.2.1 Views and Prospects*

*Table 9.2: Prospects to be Preserved and Protected*

*Policy HCL8 Views and Prospects*

*Section 9.7.0 Sites of Geological Interest*

*Table 9.6 County Geological Sites for Protection*

*Policy HCL19 Geological Sites*

*Section 11.2.7 Building Height*

*Section 11.3.1 Residential*

*Section 11.3.1 (iv) Dwelling Standards*

*Section 11.3.1 (v) Privacy*

*Section 11.3.3 Additional Accommodation*

*(i) Extensions*

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

*Section 11.3.4 Rural Housing*

*(i) Housing Need*

*(ii) Rural Housing Design*

*(iii) Wastewater Treatment*

*Section 11.4.2 Car Parking Standards*

*Table 11.24 Maximum Parking Rates (Residential Development)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.2 Appropriate Assessment*

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### **Relevant Government Guidelines**

*Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005).*

*Wastewater Treatment and Disposal Systems Serving Single Houses Environmental Protection Agency (November 2009).*

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

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

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

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

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Overcoming Previous Reasons for Refusal
- Services, Drainage, and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Council Policy**

The site is located in an area subject to zoning objective HA-DM - '*to protect and enhance the outstanding natural character of the Dublin Mountains Area*' in the South Dublin County Development Plan 2016-2022. A portion of the northwest corner of the site is zoned 'RU' (it is not apparent that development would take place in this portion of the site).

The use class 'Residential' is listed as 'open for consideration' under this zoning objective subject to accordance with Council policy for development in rural areas. With regard to Council policy in relation to rural housing and extensions to dwellings within lands subject to zoning objective HA-DM, policy H27 and H16, and H16 Objective 2, are relevant.

### **Residential and Visual Amenity**

The issues of residential amenity in terms of the standard of accommodation and potential impact on neighbouring properties did not form a reason for refusal in the previous application. The current proposal provides for a large rear extension of approximately 49 sq.m comprising an

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open plan kitchen and living area. An adjoining side extension (15 sq.m) would provide for a utility room and third bedroom. A pitched roof porch would be placed on the front elevation, projecting 1.35m from the front building line, and a small side extension would be located on the east elevation serving bedroom 1. The main rear and side extension would be clad in hardwood and would have a flat roof. The finish of the existing dwelling would be upgraded to a smooth render, painted white, and the porch and smaller side extension would be finished to match. Existing windows, and new windows, would all be upgraded to grey aluclad. It is considered that the materials proposed represent a high quality and would assist in improving the sustainability and efficiency of the property. The roof of the dwelling would be altered and tiled with natural roof slate.

The proposal would again be considered acceptable in regard to the standard of accommodation and limited impact on neighbouring properties, given its siting in relation to neighbouring properties.

It is noted that the finished floor level of the dwelling is indicated on drawings as being 276.26m. The Planning Authority questions the accuracy of this figure based on site levels provided around the dwelling which indicate levels ranging from 269.846-266.630. The applicant should be requested to submit **additional information** comprising accurate layout drawings and floor plans correctly indicating the level change between the dwelling and the site.

### **Overcoming Previous Reasons for Refusal**

As outlined in the planning history section of this report a previous application (SD21B/0041) for an extension was recently refused permission on this site. The application was refused for reasons concerning the mass and scale of the proposal in the context of the high amenity area, the use of cut-and-fill on a site of steep topography in contravention of Policy H16 Objective 2, failure to comply with Policy H27 and the lack of information in relation to car parking and access. The main difference between the refused and current application is the following:

- A single storey extension is now proposed with a raised patio area.
- The footprint of the extension would be reduced from 143sq.m to 60sq.m.
- The primary location for extension of the dwelling would be to the north and west, with smaller bay window and porch extensions on the east and south elevations respectively.

The single storey extension removes the element of significant cut-and-fill that was previously proposed. However, a significant raised patio area would be located along the rear, east and west sides of the dwelling. While this no longer represents cutting into the landscape, it is not considered that filling in of a significant slope is appropriate given the sites zoning objective to *'protect and enhance the outstanding natural character'*. Policy H16 Objective 2 states *'the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography'* should be avoided.



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The extensions proposed would appear make use of intrusive engineered solutions to provide a level floor internally and the external patio. In this regard, the applicant should be requested to revise the proposals, better maximising the topography of the site, creating different levels to the house where necessary, or utilising flatter parts of the site to provide extended accommodation. This should be done by way of **additional information**.

The applicant has submitted documentation to comply with Policy H23, demonstrating they are native of the area. H23 sets a high threshold of criteria to overcome in relation to new or replacement dwellings as follows:

- The applicant is a native of the area; and
- The applicant can demonstrate a genuine need for housing in that particular area; and
- The development is related directly to the area's amenity potential or to its use for agriculture, mountain, or hill farming; and
- The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

The size of the proposed extension has now been significantly reduced, meaning the extension would represent a 134% increase in size of the dwelling from 50 sq.m to 117 sq.m. The previous extension represented a 286% increase in size and was considered to represent a replacement dwelling rather than an extension. Given the size of the works proposed, it is not considered that the works would represent a new dwelling and do constitute a residential extension and therefore compliance with H23 is no longer relevant.

The Roads Department have reviewed the application and have recommended that **additional information** is sought as follows to address the previous concerns:

1. *The applicant shall submit a revised layout with appropriate scale, showing the proposed parking arrangement for the proposed dwelling.*
2. *The applicant shall submit a revised layout with appropriate scale, showing boundary walls at both of existing vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles. If the developer intends to propose high boundary walls or pillars, they shall be consistent with the visibility splay arrangement as per TII recommendation for horizontal and vertical visibility splay.*
3. *The applicant shall submit a revised layout with appropriate scale, showing a visibility splay of 2.4m x 90m in both directions from the entrance. Sightlines should be to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).*
4. *The gradient of access shall not exceed 2.5% over the last 6 metres of approach to the public road.*

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While the Roads response is appreciated, given there is an existing dwelling at the site, it is not considered appropriate to request all of the above information from the applicant. In assessing the application, it would be useful to have accurate existing and proposed site layout plans, clearly indicating all areas of landscaping and hardstanding, including levels, to assess the proposed parking arrangements for the dwelling. Layout plans and elevations should also be provided detailing all entrances to the site, noting that previous applications have indicated a second agricultural access towards the south of the site. This should be requested as **additional information**. In preparing these drawings the applicant should have cognisance of Section 11.3.4(ii) of the Development Plan which states:

*Driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.*

### **Services, Drainage, and the Environment**

Water Services has reviewed the application and have stated no objection to the development.

### **Environmental Health**

The Environmental Health Officer (EHO) has reviewed the application and has stated no objection to the development. Their report recommends the following **conditions** in the event of a grant:

- 1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:  
The use of machinery, plant, or equipment (which includes pneumatic drills, generators, and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours*
  - Before 07.00 hours on weekdays, Monday to Friday*
  - Before 09.00 hours on Saturdays.*
  - After 19.00 hours on weekdays, Monday to Friday.*
  - After 13.00 hours on Saturdays.*
  - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*
- 2. During the demolition and construction phases 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.*

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3. *The proposed wastewater treatment systems shall be located, installed, and operated in accordance with the details submitted to the Planning Authority on 28/04/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*
4. *A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.*
5. *Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*
6. *The existing septic tank must be fully decommissioned and removed from use.*

These **conditions** would be considered appropriate to ensure public health and prevent nuisance.

### **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 the Dublin Mountain High Amenity area, with ad-hoc residential development and agricultural uses on the lands surrounding the site. The proposed development comprises a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development, and
- the consequent absence of a pathway to a European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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### **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.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the overall design and scale of the development proposed and consultee responses, it is considered appropriate to request the following **additional information**:

- Revised proposals incorporating changing levels for the dwelling and maximising flatter areas of the site to reduce the need for raising of the land.
- Site layout and floor plans showing the correct internal finished floor levels of the dwelling. A proposed roof plan at a scale of no less than 1:200
- Existing and proposed entrance plans and elevations. Clearly stating any changes proposed to width of entrance and boundary treatments and accurate existing and proposed site layout plans, showing correct levels and areas of landscaping and hardstanding

### **Recommendation**

Request Further Information.

### **Further Information**

Further Information was requested on 22/06/22

Further Information was received on 22/09/22

### **Consultations**

Roads – No objection

### **Submissions/Observations**

No further submissions/observations received.

### **Assessment of Further Information**

The Further Information requested was as follows:

- 1) *Policy H16 Objective 2 of the Development Plan 2016 – 2022 states ‘the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography’. While the applicant appears to have reduced the amount of cutting into the land required for the*

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*proposed works, significant raising would be required to provide a single level surface for the dwelling and proposed terrace. This is considered unacceptable by the Planning Authority and would still be contrary to Policy H16 Objective 2. In this regard, the applicant is requested to submit revised proposals, making better use of the topography of the site to provide and extension of different levels, as well as maximising flatter areas of the site to extend the existing dwelling.*

- 2) *It is not considered that the levels provided are accurate, with there being a significant discrepancy of the FFL of the dwelling being shown as 276.26m, while the ground immediately outside the house has levels ranging from 269.846-266.630. The assessment of the impact of the extension on the sloping site is a critical factor in determining the acceptability of proposals at this location. In this regard, the applicant is requested to submit revised layout and floor plans as relevant, clearly indicating accurate levels for the site.*
- 3) *The applicant is requested to submit a revised layout with appropriate scale, showing the proposed parking arrangement for the proposed dwelling, and a drawing showing boundary walls at both of existing vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, unless maintaining existing entrance arrangements. In preparing these drawings, the applicant should have cognisance of Section 11.3.4(ii) of the Development Plan which states 'driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.'*

### Assessment

The applicant has submitted drawings as requested and a letter from the agent date stamped 22<sup>nd</sup> September 2022.

### *Items 1 and 2 – Alterations to Minimise Intrusive Engineered Solutions and Accurate Finished Floor Levels*

The applicant was requested to revise the proposal on the basis of Policy H16 Objective 2 of the Development Plan 2016 – 2022. It is noted a new development plan came into effect on the 3<sup>rd</sup> August 2022, with the relevant policy applicable to the development now as follows:

- *Policy H12: Steep or Varying Topography Sites*  
*Ensure that development on lands with a steep and / or varying topography is designed and sited to minimise impacts on the natural slope of the site.*
- *H12 Objective 2: To avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.*

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- *Policy H23: Rural Housing and Extension Design*  
*Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape*
- *H23 Objective 1: Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);*
  - *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
  - *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
  - *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
  - *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*
  - *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
  - *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
  - *Would not create or exacerbate ribbon or haphazard forms of development.*

The applicant has revised their proposals to provide an extension to the north of the dwelling, with a large patio area, which has been stepped down whereas previously level access was proposed. There is a difference in finished floor level (FFL) from the existing dwelling and the extension of about 1.9m, indicating some element of cut and fill will still be required for this updated plan. The applicant has on several occasions been encouraged to work with the topography of the site to reduce the requirement for cutting into the slope of the site. Reason no. 2 of the refusal issued in relation to SD21B/0041 stated:

2. *The proposed development makes unnecessary use of cut-and-fill on a site of steep topography. This approach is in contravention of Policy H9 Objective 2 of the County Development Plan and Policy H27 which relates specifically to residential developments in the High Amenity Dublin Mountains area. **There is scope on the site for an alternative approach to extending the subject dwelling. A grant of permission for a split level extension down the hill, in these circumstances, would not be an appropriate response to the topography of the site or the surrounding context of the high amenity Dublin***

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*Mountains area, and would be contrary to the land-use zoning objective, and, as such, the proper planning and sustainable development of the area. [emphasis added].*

In the revised scheme submitted for additional information, **the applicant is again proposing a split-level extension**. While the applicant states that the proposed development '*does not result in large areas of cut of fill*', and it is noted the difference in level would be less than proposed under SD21B/0041, the Planning Authority still has a concern regarding the amount of ground levelling works required to provide this extension, and the precedent it would set for similar undesirable development in the area.

The area of the rear extension would be 48.8 sq.m, with a large patio area extending further into the site from the revised rear building line of the dwelling. The proposed east elevation indicates the drop off of the site from the existing dwelling, with the proposed extension and patio, clearly indicating some level of cut and fill would still be required. Section A-A further indicates the level change and foundation work that would be required. The revised drawings provided do not appear to consistently and accurately represent the impact on the sites slope. To fully understand the level of intervention required the applicant should be requested to submit **clarification of additional information** as follows:

- Three sections of the existing house and proposed extension/patio, one at the eastern point of the proposal, one directly through the centre of the proposal and one through the west of the extension. The sections should clearly show the level changes associated with the works and include a line showing the existing ground level at each point of the section. This would allow for a full assessment of the impact of the extension and patio.

### *Item 3 – Parking and Entrance Arrangements*

The Roads Department have reviewed the applicant's submission and have stated they are satisfied with the scheme insofar as no changes are proposed to the front entrance arrangements. It is noted that the existing driveway area would be reduced and grassed, and this is welcomed by the Planning Authority.

### South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on 3<sup>rd</sup> August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. The application has been assessed against the relevant plans and policies in relation to rural housing extensions, addressed above. Within the new plan there is an increased focus on green infrastructure within the new plan and therefore an additional assessment of the application against these policies and objectives has been undertaken below.

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### *Green Infrastructure*

The site appears to be located within a Core Area and Primary GI Corridor as per Figure 4.4 of the Development Plan.

As previously stated, the Planning Authority has concerns regarding the amount of potential cut and fill associated with the development and the impact this would have on the natural landscape. It is noted that the applicant would be replacing existing hardstanding car parking with grass which would mitigate to some extent the increase in hardstanding as a result of the extension. Soakaways have been proposed as part of Sustainable Urban Drainage Systems. The driveway is indicated as gravel, and this is acceptable. It is considered that in the event of a grant of permission a condition should be applied requiring the patio area to be permeable paving, to further mitigate the increase in hardstanding and increase SuDS provision at the site.

### **Conclusion**

The Planning Authority still has concerns regarding the amount of intrusive engineering potentially required for the development, in contravention of Policy H12, H12 Objective 2, policy H23 and H23 Objective 1 of the Development Plan 2022 – 2028. To address these concerns, the applicant should be requested to submit the following **clarification of additional information**:

- Three sections of the existing house and proposed extension/patio, one at the eastern point of the proposal, one directly through the centre of the proposal and one through the west of the extension. The sections should clearly show the level changes associated with the works and include a line showing the existing ground level at each point of the section.

### **Recommendation**

Request Clarification of Further Information.

### **Further Information**

Further Information was requested on 22/06/22

Further Information was received on 22/09/22

Clarification of Further Information was requested on 18/10/22

Clarification of Further Information was received on 10/03/23

The applicant was granted a time extension up to and including 30/03/2023 to respond to the request for Further Information so the clarification of further information has been received before the expiry deadline of 30/03/2023.



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### **Consultations**

No further consultation required.

### **Submissions/Observations**

No further submissions/observations received.

### **Assessment of Further Information**

The Clarification of Further Information requested was as follows:

- 1. The Planning Authority still has concerns regarding the amount of intrusive engineering potentially required for the development, in contravention of Policy H12, H12 Objective 2, policy H23 and H23 Objective 1 of the Development Plan 2022 - 2028. To address these concerns, the applicant is requested to submit three sections of the existing house and proposed extension/patio, one at the eastern point of the proposal (through the driveway, external steps and patio area to the grassed area to the north), one directly through the centre of the proposal (clearly indicating the inside of the existing dwelling and extension, including the area from the driveway through to the grassed area at the north) and one through the west of the extension (indicating the level change from the driveway through to the grassed area north of the patio). The sections should clearly show the level changes associated with the works and include a line showing the existing ground level at each point of the section. These drawings are considered necessary to establish the full extent of the works proposed and how this relates to the topography of the site, and compliance with the relevant policies and objectives of the Development Plan 2022 - 2028.*

### **Assessment**

The applicant has provided detailed sections through the proposed dwelling, including levels changes with the external area of the site. From these drawings it is considered that due regard has been had to Policy H12, H12 Objective 2, policy H23 and H23 Objective 1 of the Development Plan 2022 – 2028, with level changes and alterations to the sites topography minimised. In this regard, the works are considered to be acceptable.

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### Other Considerations

#### Development Contributions

<b>Are any exemptions applicable?</b>	Yes
<b>If yes, please specify:</b>	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 not apply to development for which retention permission is sought.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m2)</b>	67
<b>Amount of Floor area, if any, exempt (m2)</b>	40
<b>Total area to which development contribution applies (m2)</b>	27
<b>Total development contribution due</b>	€119.10 x 27 = <b>€3,215.70</b>

### **SEA Monitoring Information**

Building Use Type Proposed:	Residential Extension
Floor Area:	67 sq.m
Land Type:	Rural
Site Area:	0.73 Hectares.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to 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.

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### **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, as amended by Further Information received on 22/09/22 and Clarification of Further Information received on 10/03/23, 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.  
(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.

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(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, 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

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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. Permeable Paving

Any upgrade works to the existing driveway shall be permeable paving. The applicant shall also utilise permeable paving for the patio/terrace area, to improve surface water runoff and mitigate the increase in hardstanding at the site.

REASON: In the interest in sustainable drainage.

### 4. Environmental Health

A. The use of machinery, plant, or equipment (which includes pneumatic drills, generators, and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

B. During the demolition and construction phases 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.

C. The proposed wastewater treatment systems shall be located, installed, and operated in accordance with the details submitted to the Planning Authority on 28/04/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

D. A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.

E. Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

F. The existing septic tank shall be fully decommissioned and removed from use.

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REASON: In the interest of public health and safety.

5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3, 215.70 (Three Thousand, Two Hundred and Fifteen Euros and Seventy 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 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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](mailto:customerservice@water.ie).

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 requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development.

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**REG. REF. SD22B/0178**

**LOCATION: Blackthorn Hill, Coolmine, Saggart, Co. Dublin**

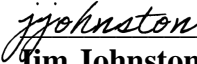
NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.



**Aoife O'Connor Massingham,  
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:** 03/04/2023

  
**Jim Johnston,  
Senior Executive Planner**