

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0386 **Application Date:** 07-Oct-2022
Submission Type: Clarification of Additional Information **Registration Date:** 28-Apr-2023

Correspondence Name and Address: Avril O'Connor 46, Limekiln Road, Dublin 12

Proposed Development: The demolition of existing garage and the construction of 1 dormer style, 3 bedroom detached dwelling with new vehicular access from Limekiln Road including the diversion of the existing storm water pipe and all associated ancillary site works. Proposed works similar to previously approved planning permission ref SD07A/0710.

Location: 46, Limekiln Road, Dublin 12

Applicant Name: John McWeeney

Application Type: Permission

(EW)

Description of Site and Surroundings:

Site visit: 29/11/2022

Site Area: 0.055ha

Site Description:

The subject side garden site with a single storey dormer type (converted second floor) semi-detached dwelling is located within an established residential area of Limekiln Road. The mid-road site is situated beside the primary residence, No.46 Limekiln Road, to the west of the site. It is noted that the subject site is the only large side garden site on this road. The street building line of the surrounding dwellings south of Limekiln Road are broadly in line with each other and several boundary walls, including the subject site, have hedging. A grass verge exists on the front of the dwellings and the main road with a cycle and public path. A linear section of Tymon Park containing the River Poddle is located to the south of the site.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Proposal:

Permission for:

- The demolition of existing garage and the
- construction of 1 dormer style, 3-bedroom detached dwelling with
- new vehicular access from Limekiln Road including the
- diversion of the existing storm water pipe and all associated ancillary site works.
 - *Proposed works similar to previously approved planning permission ref SD07A/0710.*

Zoning:

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

Consultations:

<i>Surface Water Drainage:</i>	Refuse Permission.
<i>Irish Water:</i>	No objection subject to conditions.
<i>Roads:</i>	No objection subject to conditions.
<i>Parks:</i>	No objection subject to conditions.

SEA Sensitivity Screening - Overlap indicated with SFRA A 2016 and SFRA B 2016.

Submissions/Observations /Representations

A Submission was received from a third parties from the neighbouring property to the east. The main issues raised are summarised below:

- The footprint of the property should align with the adjacent property to No. 46 (owners) and not No.44.
- No.46 should take the burden of any overbearing impact from the infill development.
- The applicant should consider diverting the sewer to facilitate repositioning the property more in line and parallel with the site owners and not No.44.
- Concerns regarding overlooking of private amenity space to the rear and from proposed bedroom 3, windows should be removed or reduced.

The issues raised in the third-party submissions have been considered in assessing this planning application.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Relevant Planning History

SD16B/0120 – **Grant Permission and Grant Retention permission** for the reduced floor area of 10sq.m and reduced height of the permitted rear single storey extension as approved under planning permission, Reg. Ref. SD13B/0136, and planning permission for the construction of a new first floor dormer roof extension of 14sq.m to the rear of the existing dwelling.

Condition 4: (for reference only)

1. The applicant shall comply with all drainage and water supply conditions attached to planning permission reference number SD13B/0136.
 - (a) The water supply and drainage infrastructure, shall comply with the technical requirements of the Water Services Authority and/or Irish Water.
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
 - (c) All works for this development shall comply with the following standards and/or the requirements of Irish Water:
 - (1) The South Dublin County Council 'Specification for the Laying of Watermains and Drinking Water Supply' which can be viewed/downloaded from <http://www.sdcc.ie/sites/default/files/publications/sdcc-water-specification-jan-2012.pdf> and,
 - (2) The Greater Dublin Regional Code of Practice for Drainage Works which can be viewed /downloaded from the South Dublin County Council website at the following link <http://www.sdcc.ie/sites/default/files/publications/greater-dublin-regional-code-of-practice-for-drainage-works.pdf>
 - (d) All drainage and surface water conditions contained within SD13B/0136 shall remain relevant.

REASON: In the interests of public health and in order to ensure adequate water supply and drainage provision.

2. SD13B/0136 - **Grant Permission** 46, Limekiln Road, Dublin 12. Demolition of an existing single storey extension to the rear of the existing house and the construction of a new single storey extension comprising 21sq.m.

Condition 2: (for reference only)

- a) prior to commencement of development the Applicant shall submit for the written agreement of the Planning Authority revised surface water drainage plans for the proposed development showing the location of all surface water drains, manholes, Ajs, etc. located within site boundary up to and including a point of connection to the public surface water sewer. The information shall include pipe sizes and gradients of pipes to ensure that the proposed surface water connection is feasible.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

(b) The water supply and drainage infrastructure, including the disposal of surface water, shall comply with the technical requirements of the Planning Authority.

(c) There shall be complete separation of the foul and surface water drainage systems.

(d) All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from <http://environment.southdublin.ie> (click-publications then specifications).

(e) The finished floor levels of the proposed extension shall be no lower than the floor levels in the existing building.

REASON: In the interests of public health and in order to ensure adequate drainage provision

SD13B/0136/C2-1 (no record of agreed compliance)

SD07A/0710/EP – **Grant Ext of Duration** for the demolition of existing garage and construction of 1no. dormer type 3-bedroom detached house with separate vehicular access from Limekiln Road including the diversion of the existing storm water pipe and all associated ancillary site works. It is proposed that the new dwelling will not connect to the existing foul drainage route which traverses the site.

Condition DMI: (for reference only)

Having regard to the following:

i) Location of site within a 1/100 and 1/1000 potential Flood Risk Zone

ii) A Flood Risk Assessment was not carried out prior to permission being granted for the development.

iii) Failure to demonstrate that flooding would not affect the proposed development in a manner which would result in a material amendment to the permitted house being required and which could affect the existing residential amenity of neighbouring properties.

It is considered that the application fails to comply with Section 42(a)(ii) (II) and (III) of the Planning and Development Act 2000 (as amended).

SD07A/0710 – **Grant Permission** for the demolition of existing garage and construction of 1 no. dormer type 3-bedroom detached house with separate vehicular access from Limekiln Road including the diversion of the existing storm water pipe and all associated ancillary site works. It is proposed that the new dwelling will not connect to the existing foul drainage route which traverses the site.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Condition 3: (for reference only)

Foul Drainage:

- (i) Prior to commencement of the development, revised drainage plans shall be submitted for the written agreement of the Planning Authority, showing a separation distance of at least 2m between the diverted surface water sewer and diverted foul drain.*
- (ii) Prior to commencement of the development, all drainage drawings for the development shall be submitted to the Planning Authority, South Dublin County Council for written agreement.*

Surface Water:

- (iii) The diversion of any public sewers shall be carried out by South Dublin County Council at the developers/ applicant's prior expense. The diversions shall take place prior to the commencement of development. The diversions shall not result in any loss of capacity in the sewer.*
 - (iv) The foundations of the new house shall be constructed beneath the invert level of the diverted sewer.*
 - (v) The following requirements will be adhered to in relation to the proposed surface water outfall to a stream: Any new surface water drainage outfall to a river/ stream shall comply with the following requirements:*
 - a. There shall only be one surface water outfall point to the river.*
 - b. The invert level of the outfall should be 200mm above the normal water levels.*
 - c. A flap valve / non-return valve should be fitted to protect against back flooding. South Dublin County Council shall not be liable for the failure of the non-return valve.*
 - d. The outfall should be so formed as to avoid, or provide against, local erosion and should be so angled as to discharge in the direction of flow of the watercourse.*
 - e. Outfall details must include headwall, wing walls and apron.*
 - f. A suitable grating shall be provided at the outfalls to prevent access by children etc.*
 - (vi) The water supply and drainage infrastructure, including the disposal of surface water, shall comply with the technical requirements of the Planning Authority.*
 - (vii) There shall be complete separation of the foul and surface water drainage systems.*
 - (viii) All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from <http://environment.southdublin.ie> (click-publications then specifications).*
- REASON: In the interests of public health and in order to ensure adequate drainage provision*

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

SD07A/0710/C1 - **(no record of agreed compliance)**

Demolition of existing garage and construction of 1 no. dormer type 3 bedroom detached house with separate vehicular access from Limekiln Road including the diversion of the existing storm water pipe and all associated ancillary site works. It is proposed that the new dwelling will not connect to the existing foul drainage route which traverses the site. Compliance with condition 3.

SD02A/0222 - **Grant Outline Permission** for Detached dormer bungalow, ancillary site works and access in side of garden.

Relevant Enforcement History

S1532- Renovations to the roof – Closed 01-Jan-1980.

Pre-Planning Consultation

None recorded for subject site.

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

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

Policy H13 Residential Consolidation

H13 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

H13 Objective 5

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

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

*SM7 Objective 1 Maximum car parking standards
Chapter 8 Community Infrastructure and Open Space
Section 8.7.5 Quality of Public Open Space*

Policy COS5 Objective 16

To ensure that parks and public open spaces are carefully designed as safe spaces, by implementing the following measures:

- Providing active frontages and maximising passive surveillance from adjacent housing and / or public thoroughfares;*
- Eliminating buildings which back-on or gable-front public open spaces;*
- Designing corner units with active frontage;*
- Encouraging increased use through improved access and quality of facilities';*
- Careful location, design and choice of surface materials and site furniture.*

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

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.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Policy GI2 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI4 Sustainable Drainage Systems

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Corner/ Side Garden Sites

Development on corner and/or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Relevant Government Guidelines and Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, 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).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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 relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- Parks and Public Realm
- Services and drainage and Flood Risk.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Zoning and Council Policy

The development comprising of a residential dwelling 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.

Residential and Visual Amenity

The proposed development constitutes the subdivision of an existing side garden serving a semi-detached dwelling on a side garden site. The assessment of this proposal is in context to the existing County Development Plan 2022-2028, it is subject to compliance with detailed policy provisions in relation to design that will be considered below.

Site context

The subject side garden site with a two-storey semi-detached dwelling is located within an established residential area of Limekiln Road. The mid-road site is situated beside the primary residence, No.46 Limekiln Road, to the west of the site. It is noted that the subject site is the only large side garden site on this road. The street building line of the surrounding dwellings south of Limekiln Road are broadly in line with each other and several boundary walls, including the subject site, have hedging.

A grass verge exists on the front of the dwellings and the main road with a cycle and public path.

The Planning Authority note the neighbouring concerns that the proposed dwelling should be placed in line with the existing house No.46 on this road. Having regards to the even separation distances and symmetry between surrounding dwellings on this side of Limekiln Road, the proposed dwelling would create an unbalanced symmetry from east to the west and not align with the parent site No.46 Limekiln Road.

However, as noted from the site history and *SEA* Overlap indicated with SFRA A 2016 and SFRA B 2016. The site is deemed to have uneven separation distances due to the drainage wayleave that runs from north to south of the site and building proximity applicable to this wayleave, as noted by the Surface Water Drainage Department. *In addition, a 300mm surface water sewer passes through the proposed site. Therefore, the water service does not recommend diverting the same to allow the proposed house to be developed.*

Having regards to the primary dwellings that are facing Limekiln Road and the above mentioned development constraints, it is considered that the contemporary proposed dwelling is at an appropriate size and scale, its siting is acceptable and would not significantly detract from the character of the adjacent dwellings.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

The planning authority would deem that the proposal is consistent with the guidance set out in SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites; *'Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,'*

Development on corner and/or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
 - *The site is of a sufficient size to accommodate a new dwelling.*
 - *An appropriate setback has been maintained from adjacent dwellings to the east No.44, with a (front) northerly 1.1m separation from the boundary and a (rear) southerly 2m separation, ensuring no adverse impacts occur on the residential amenity of adjoining dwellings.*
 - *The drainage wayleave would create an unbalanced symmetry from east to the west with the parent site No.46 Limekiln Road.*
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
Not assessable.
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
 - *The proposed building line of the existing dwelling is marginally behind the proposed new dwelling. However, the building line is in sync with No.44 to the east, and it is noted that the building line is slightly projected forward to the east. The roof profile broadly matches this road's contemporary property to the east.*
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
 - *Proposal marginally projects forward.*

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
 - *The dwelling is considered contemporary and contrasts with the established nature of the road.*
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality.
 - *Sufficient rear amenity space provided.*
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.
 - *Sufficient rear amenity space provided.*

Having regard to the context of the subject site in the surrounding area, it is noted that the 0.055ha ha site is significantly large. It is deemed that the side garden sites development is conducive to this site at an appropriate size and scale.

Building Height

The proposal reaches 7m in height and is consistent with the prevailing height of the surround area. The proposal would not have an adverse impact in terms of residential and visual amenity and would comply with SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites states;

- *The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.*

Overlooking & Overbearing impact

Concerns regarding overlooking of private amenity space to the rear and from proposed bedroom 3 were noted from the neighbouring property to the east. However, the Planning Authority notes that a similar size window in size, scale and location exists on No. 44 Limekiln Road. The Planning Authority note that this side garden site has sufficient separation distance and there are no concerns with respect to the overbearing appearance of the dwelling on the neighbouring properties to the east.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Dwelling size

The proposed three-bedroom dwelling is approx. 173.6sq.m which is above the minimum size set out in Table 3.20 Minimum Standards for Houses. In this context, the proposed development is consistent with the Development Plan provisions.

Amenity space

The dwelling provides approximately 85sq.m of private rear open space. The minimum private open space requirement in the County Development Plan is comfortably achieved. It is noted the adjoining property on this existing large site has sufficient rear garden space, as noted in the South Dublin County Development Plan 2022 – 2028. It is considered that the proposed development would provide sufficient residential amenity for future occupants of the three-bed dwelling and this would comply with the Development Plan provisions.

Room size

The dwelling is designed to accommodate three or more persons, with bedroom (3) reaching 14.4 sq.m and bedrooms (1) and (2) reaching 11.02 sq.m, with the downstairs living/kitchen spaces being consistent with the *Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, (2007).

Storage

Storage for the proposal is consistent with the minimum storage standards for houses having regard to (Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007)

Dual Frontage

The dwelling front is proposed to the north side of mid-Limekiln Road and would not require dual frontage at this site location. The windows presented are consistent in size, scale and form, taking into account SDCC Development Plan 2022-2028 Section 13.5.8 (ii) Corner/Side Garden Sites state:

- *maximise passive surveillance of the public domain.*
- *promote a sense of integration with adjoining buildings;*
- *The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony.*

The proposal is in view of the public domain and is consistent with Section 13.5.8 (ii) Corner/Side Garden Sites of the South Dublin County Council Development Plan 2022-2028.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Boundary Treatment

It is noted that the applicant proposes to use two separate entrances from the existing boundary wall. The proposed new entrance to the north has an existing mature street tree directly in the grass verge adjacent the site. The removal of the tree is therefore not consistent to Section 12.7.6 in this regard. The parks recommendations noted below.

In this instance and coinciding with the recommendations of the Roads Department, a shared vehicular entrance will be addressed in the Roads report below.

Vehicular Entrance

The Roads Department have no objections to the proposal and the report states the following:

The following conditions apply:

1. The vehicular access points shall be limited to a width of 3.5 meters.
2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles
3. Footpath and kerb shall be dishd and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dishd and widened to the full width of the proposed widened driveway entrance.
4. Any gates shall open inwards and not out over the public domain.
5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.
6. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC.

The Roads Department's comments have been noted and shall be addressed by condition in the event of a grant of permission.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Parks and Public Realm

The Parks Department recommend a grant as follows:

Street Tree/Grass Margin

The applicant has not provided any information as to the potential impacts of the development on the adjacent street tree in the grass margin. The applicant should submit a tree survey report for the tree in the adjoining grass margin. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing street tree and it should also clearly detail what impacts the development will have on the tree but especially the tree roots.

It is the opinion of the Public Realm Section that reduction of the grass margin in order to facilitate the widening of the entrance driveway will negatively impact/impinge on the existing street tree. The driveway entrance should undergo a redesign in order to be at a safe distance from the tree root zone.

Protection of Street Tree in the Grass Margin

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site.

Fencing must be clearly signed 'Tree Protection Area – No Construction Access'.

No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. NCBH11 Objective 3

Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing street tree in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the trees proposed for retention are alive, in good condition with a useful life expectancy.

The requirements of the Public Realm Department are noted and shall be outlined by condition and coincide with the Green Infrastructure **conditions**.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Green Infrastructure

The proposal impacts the street tree negatively directly outside No.46 Limekiln Road.

12.7.6 Car Parking Design and Layout states “*Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted*”.

In accordance with 12.4.2 Green Infrastructure and Development Management. Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. It states ‘*Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. This should clearly incorporate GI elements and provide links to local ‘Stepping-Stones’, Cores and Corridors where appropriate. Some smaller scale development may require more detailed GI Infrastructure Plans. Depending on location and context of the site, this will be decided on a case-by-case basis. Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:*

- *tree and hedgerow removal;*
- *tree and hedgerow retention;*
- *new tree and hedgerow planting.*

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time’.

It is considered that the main elements of the Green Infrastructure Plan are covered in the requirements of the Public Realm report and shall be required by **condition**.

Services & Drainage and Flood Risk

Water services have submitted a report and stated **Refusal** for the following reasons:

- 1 There is a 300mm surface water sewer passing through the site where house is proposed. Water service do not recommend diverting same to allow proposed house to be developed.
- Water services recommend that proposed development be refused because it would be prejudicial to public health and proper planning.

Flood Risk

No Objection

The site is at risk of a 1 in 1,000 year flood event. Measures are required to prevent flooding of development at the site and up and downstream of site.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

As per original Planning Permission under SD07A/0710:

- *Due to the proposed setbacks from both the foul pipe and surface water pipe the dwelling is very narrow and out of character with surrounding dwellings. The applicant should be requested to re-locate both the foul pipe and the surface water pipe to some 3m from the western site boundary, in order to allow room for a wider house, more in character with surrounding dwellings.*
- **Response:** *It is proposed to divert the foul and surface water drains. The applicant has amended the proposal in accordance with items (b), (c), (d) and (e) above.*
- **Appraisal:** *The Environment Department have no objections to the proposal and have attached conditions. The revised design of the proposal is also acceptable.*

Notwithstanding the recommendations of the Surface Water Drainage Department, it is considered under the history of this site (as outlined above with the drainage site history) and notably under SD07A/0710 with a previous Grant of Permission that included responses to drainage concerns. Accordingly, the Planning Authority deem that the applicant should be afforded the opportunity to liaise with the Surface Water Drainage Department regarding a revised design that enables the site's development to coincide with the existing 300mm surface water sewer by **Additional Information**.

Irish Water

Irish water has no objections to the proposed development subject to a water / foul connection agreement with Irish Water.

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 new dwelling.

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.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Environmental Impact Assessment

Having regard to the modest nature of the 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

Development Contributions	
Planning Reference Number	SD22A/0386
Summary of permission granted & relevant notes:	New Dwelling - €173.6sq.m
Are any exemptions applicable?	No
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	173.6
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	173.6
Total development contribution due	€18,139.46

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 173.6sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.055ha

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Conclusion

Having regard to the serious concerns of the Water Drainage Department with regard to the existing 300mm surface water sewer, it is considered necessary to ensure the proposed development is compliant with Development Plan policy and the proper planning and sustainable development of the area. In addition, and notwithstanding the absence of an objection from the Water Drainage Department, having regard to the location of the site within flood zone B, a site-specific flood risk assessment is required in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities to enable the planning authority to fully assess the proposals.

Recommendation

Further Information

Further Information was requested on 01st Dec 2022

Further Information was received on 03rd Feb 2023

Consultations:

Surface Water Drainage: Refuse Permission.

Submissions/Observations

None received for this application.

The Further Information requested is as follows:

1. The Water Services Department have serious concerns with regards to the 300mm surface water sewer passing through the site where the dwelling is proposed. Water services consider that proposed development would be prejudicial to public health and proper planning of the area.
(i)The applicant is requested to consult directly with the Water Services Department at South Dublin County Council regarding a revised drainage design that enables the site's development to coincide with the existing 300mm surface water sewer prior to the lodgement of an Additional Information response.
Once agreed with South Dublin County Councils Surface Water Drainage Department:
(ii) Submit an approved drawing showing the surface water layout and attenuation for the proposed development.
2. Having regard to location of the site in Flood Zone B, a site-specific flood risk assessment carried out by a suitably qualified expert is required that accords with the Planning System and Flood Risk Management Guidelines for Planning Authorities to enable the Planning Authority to fully assess the proposals.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Item 1

The Water Services Department have serious concerns with regards to the 300mm surface water sewer passing through the site where the dwelling is proposed. Water services consider that proposed development would be prejudicial to public health and proper planning of the area.

(i) The applicant is requested to consult directly with the Water Services Department at South Dublin County Council regarding a revised drainage design that enables the site's development to coincide with the existing 300mm surface water sewer prior to the lodgement of an Additional Information response.

Once agreed with South Dublin County Councils Surface Water Drainage Department:

(ii) Submit an approved drawing showing the surface water layout and attenuation for the proposed development.

Assessment

As requested, the applicant had liaised with the *Surface Water Drainage Department* regarding the proximity concerns of the existing 300mm surface water sewer. The resulting submitted report from drainage stated **Refusal** for the following reasons:

- 1.1 There is a 300mm surface water sewer passing through the site where house is proposed. Water service do not recommend diverting same to allow proposed house to be developed because:
The proposed diverted surface water pipe sharpens (Increased right angle bend) the angle of flow which in turn increases the risk of blockage of surface water flow in the pipe. This would also increase flood risk up stream of site.
- 1.2 The proposed angle of flow of pipe entering canal is against the direction of flow and this would further block surface water entering canal.
- 1.3 There is an additional manhole proposed (S7) and this together with moving existing surface water sewer poses a risk of having a new pipe built in accordance with building regulations.
- 1.4 The proposed surface water sewer adjacent to S7 is too close to foul drain adjacent to Manhole F4.
- 1.5 There will be traffic loads over proposed diverted surface water sewer which could damage the pipe and there is not sufficient cover level to surface water sewer.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

1.6 Lowering the surface water sewer increases the risk of water from canal flowing back up surface water sewer.

The applicant, in response, has submitted a cover letter by 20TEN studio and a report from *SCA Planning and Development Consultants* dated 3rd February 2023. The report is overview of the contact between themselves and the SDCC Surface Water Drainage Department, following opinion was presented with the report noting the Surface Water Drainage Department's refusal reasons:

Response

Site Constraints

At the outset, it is important to note that the alignment of the existing surface water drain through the centre of the site precludes the option of developing a house on the site while retaining the drain in its current position. SDCC recognised in 2008 that the optimum outcome for the site was to relocate the drain as far west as possible, to facilitate a dwelling that is in keeping with the character of the area. Such a reasoned assessment is fully supported by the applicant and remains the best option for the site.

While the concerns of SWDD are noted, in the absence of any technical explanation or meaningful engagement since the request was issued (as described below), the proposal cannot be altered.

The Planning Authority are cognisant of South Dublin County Council objective H13 to development on corner site's and note:

H13 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

The refusal recommendations and concerns of the Surface Water Drainage Department are fully considered by the Planning Department and are noted. The Planning Authority requests that the applicant engage a specialised consultant to review a revised design that would enable the development to coincide with the existing 300mm surface water sewer. The proposal shall be approved by the Surface Water Drainage Department's to overcome the above refusal reasons by **Clarification of Additional Information**.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Note: the applicant would be required to find an agreeable re-design that addresses the serious concerns of the Surface Water Drainage Department.

(ii) It is noted that under Appendix 1 Pre-Application Consultation, the attached emails submit a drawing showing the surface water layout and attenuation for the proposed development, also noted is the drawings submitted by *Downs Associates*.

Item 2

Having regard to location of the site in Flood Zone B, a site-specific flood risk assessment carried out by a suitably qualified expert is required that accords with the Planning System and Flood Risk Management Guidelines for Planning Authorities to enable the Planning Authority to fully assess the proposals.

Assessment

The applicant outlined in the report from *SCA Planning and Development Consultants* dated 3rd February 2023 that '*a site-specific flood risk assessment was prepared by Punch Consulting Engineers and was appended to the Downs Associates Engineering Report*'. The Planning Authority note this report.

The *Surface Water Drainage Department* has no objections to the Flood Risk element of the proposal and state the following: *The site is at risk of a 1 in 1,000-year flood event. Measures are required to prevent flooding of development at the site and up and downstream of site.*

Conclusion

The concerns from the Surface Water Department are still required to be addressed. Therefore, the Planning Authority deem the matters of Item 1 remain to be agreed upon. Furthermore, the Planning Authority require that the solution would be in accordance with the proper planning and sustainable development of the area.

Recommendation

Further Information

Clarification of further Information was requested on 01st Mar 2023
Clarification of further Information was received on 28th Apr 2023

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Consultations:

<i>Surface Water Drainage:</i>	Refuse Permission.
<i>Irish Water:</i>	No objection.
<i>Public Realm:</i>	No objections (subject to drainage conditions).

Submissions/Observations

None received for this application.

The Further Information requested is as follows:

1. The Surface Water Drainage Department recommends these proposals be refused because:
 - 1.1 There is a 300mm surface water sewer passing through the site where house is proposed. Water service do not recommend diverting same to allow proposed house to be developed because:

The proposed diverted surface water pipe sharpens (Increased right angle bend) the angle of flow which in turn increases the risk of blockage of surface water flow in the pipe. This would also increase flood risk up stream of site.
 - 1.2 The proposed angle of flow of pipe entering canal is against the direction of flow and this would further block surface water entering canal.
 - 1.3 There is an additional manhole proposed (S7) and this together with moving existing surface water sewer poses a risk of having a new pipe built in accordance with building regulations.
 - 1.4 The proposed surface water sewer adjacent to S7 is too close to foul drain adjacent to Manhole F4.
 - 1.5 There will be traffic loads over proposed diverted surface water sewer which could damage the pipe and there is not sufficient cover level to surface water sewer.
 - 1.6 Lowering the surface water sewer increases the risk of water from canal flowing back up surface water sewer.

The Planning Authority requests that the applicant engage a specialised consultant to prepare a revised design that would enable the development to coincide with the existing 300mm surface water sewer. Any revised proposal shall be reviewed by the Surface Water Drainage Department's to ascertain whether its the above recommended reason for refusal can be overcome

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Assessment

The applicant submitted a revised report from *Downes Associates* dated 14th April 2023 titled '*Proposed Dwelling at No. 46A Limekiln Road, Walkinstown, Dublin 12 – Clarification of Additional Information – Ref: SD22A/0386*'. Also submitted was a drawing submitted under the drawing titled '*Proposed Site Layout and Water Services*' drawing ref '*P04*'.

Planning Note:

The Planning Authority noted from the drawing submitted under the drawing titled '*Proposed Site Layout and Water Services*' drawing ref '*P04*' that the applicant proposes to develop outside of their red line boundary onto land not in the applicant's ownership. The applicant outlines to the south of the site beyond the redline boundary and adjacent to the river poodle that '*new concrete headwall with outlet to river poodle IL=54.770*' and also outlined in a half hexagonal structure within the drawing is stated '*provide tide flex non-return value at outlet.*'

The South Dublin County Council Development Plan 2022 – 2028 outlines under Figure 4.4: Green Infrastructure Strategy Map that the River Poddle Link is a Secondary GI Link under L13. The Strategic Corridor 2: M50 Corridor identifies the M50 spans the biodiversity corridors of the River Liffey, the Grand Canal, the Camac, the Poddle, the Dodder.

The following relevant Policy applies to 11.3.1 Riparian Corridors: *Riparian corridors are now regarded as essential for ecosystem service provision. The benefits of Riparian Corridors are addressed with Green Infrastructure as outlined in Section 4.2.2 Sustainable Water Management.*

It is an objective of the CDP to require Hydromorphical Assessment of development proposals that are within riparian corridors to demonstrate how the integrity of the Riparian Corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology. As noted under CDP policy on riparian corridors in Chapter 4: Green Infrastructure, Section 4.2.2 Sustainable Water Management and the Strategic Flood Risk Assessment carried out as part of the Development Plan process, Section 6, Riparian Corridors:

- **IE4 Objective 4:** To support and facilitate the delivery of flood alleviation schemes in South Dublin County, including the schemes listed, in as environmentally sensitive a way as possible and to ensure that zoning or development proposals do not impede or prevent the progression of these measures:
 - Poddle Flood Alleviation Scheme.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Policy GI3: Sustainable Water Management

- Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate.

Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.

GI3 Objective 1: To ensure that hydromorphical assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2: To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

Regarding the above CDP Green Infrastructure policies and objectives and notwithstanding the surrounding land uses to the east and west of the site. It is considered that the applicant proposes to develop outside of their redline boundary onto land not in the applicant's ownership. The applicant outlines to the south of the site beyond the redline boundary the implementation of works for a new concrete headwall adjacent to the river poodle. The sensitive site is outlined under the South Dublin County Council Development Plan 2022 – 2028, Figure 4.4: Green Infrastructure Strategy Map as the River Poddle Link (Secondary GI Link under L13). The Strategic Corridor 2: M50 Corridor of the site. Thus, the proposal not only contravenes works outside the ownership of the applicant but also contravenes **GI3 Objective 1 and Objective 2** and would adversely impact the integrity of the riparian corridor to be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydro morphology and therefore a refusal of permission is recommended.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

The Surface Water Drainage report stated **Refusal** for the following reasons:

- 1.7 According to the revised drawing, there is no 3m setback distance from the side of a 300mm public surface water. There is an existing structure located within a wayleave.
- 1.8 According to the revised drawing, there is no 5m setback distance between the proposed building and a soakaway in rear of site.
- 1.9 There is a 300mm surface water sewer passing through the site where house is proposed. Water service do not recommend diverting same to allow proposed house to be developed because:
Additional bends are proposed on a diverted surface water pipe which increases the risk of blockages of surface water flow in the pipe.
This would also increase flood risk up stream of site.
- 1.10 The proposed location where pipe enters to River Poddle is not in ownership of the applicant. Works proposed outside the boundary line of the proposed dwelling.
- 1.11 River Poddle connects to a Special Area of Conservation through River Liffey. Appropriate Assessment Screening Report has not been provided to the new infrastructure proposed on River Poddle. This report would determine if further Environmental Impact Assessment Reports are required to assess the impact in a Special Area of Conversation.
- 1.12 There is an additional manhole proposed (S7A) and this together with moving existing surface water sewer poses a risk of having a new pipe built in accordance with building regulations.
- 1.13 There will be traffic loads over proposed diverted surface water sewer which could damage the pipe and there is not sufficient cover level to surface water sewer.
- 1.14 Lowering the surface water sewer increases the risk of water from canal flowing back up surface water sewer.

Water services recommend that proposed development be refused because it would be prejudicial to public health and proper planning.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

Conclusion

The applicant proposes to develop outside of their red-line boundary. The concerns from the Surface Water Department are still required to be addressed. Therefore, the Planning Authority deem the matters of Clarification of Additional Information remain to be agreed upon. Furthermore, the Planning Authority consider that the proposal in its present format contravenes GI3 Objective 1 and GI3 Objective 2, would not be in accordance with the proper planning and sustainable development of the area and would be prejudicial to public health and, therefore, should be refused.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The applicant proposes to develop south of the site outside their redline boundary. The implementation of works for a new concrete headwall is adjacent to the River Poddle that is outlined in the South Dublin County Council Development Plan 2022 – 2028, figure 4.4: Green Infrastructure Strategy Map as the River Poddle Link (Secondary GI Link under L13). Furthermore, the Planning Authority consider that the proposal in its present format contravenes GI3 Objective 1 and GI3 Objective 2 and would adversely impact the integrity of the riparian corridor to be maintained and enhanced having regard to flood risk management, biodiversity, and ecosystem service provision, water quality and hydro morphology and would not be in accordance with the proper planning and sustainable development of the area and would be prejudicial to public health and, therefore, should be refused.
2. The concerns of the Surface Water Department are still required to be addressed. The proposal in its current format would be prejudicial to public health and, therefore, should be refused for the following reasons:
 - (1) no 3m setback distance from the side of a 300mm public surface water. There is an existing structure located within a wayleave.
 - (2) no 5m setback distance between the proposed building and a soakaway in the rear of the site.
 - (3) a 300mm surface water sewer passes through the site where the house is proposed. Water services do not recommend diverting the same to allow the proposed house to be developed. Additional bends are presented on a diverted surface water pipe, increasing the risk of blockages of surface water flow. This would also increase flood risk up stream of site.

Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

(4) The proposed location where the pipe enters River Poddle is not in ownership of the applicant. Works proposed outside the boundary line of the proposed dwelling.

(5) River Poddle connects to a Special Area of Conservation through River Liffey. An appropriate Assessment Screening Report has not been provided to the new infrastructure proposed on River Poddle. This report would determine if further Environmental Impact Assessment Reports are required to assess the impact in a Special Area of Conservation.

(6) There is an additional manhole proposed (S7A), and this, together with moving the existing surface water sewer, poses a risk of having a new pipe built in accordance with building regulations.

(7) There will be traffic loads over the proposed diverted surface water sewer, which could damage the pipe, and there is not sufficient cover level to surface water sewer.

(8) Lowering the surface water sewer increases the risk of water from canal flowing back up the surface water sewer.


Comhairle Chontae Atha Cliath Theas

PR/0568/23

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0386

LOCATION: 46, Limekiln Road, Dublin 12



Evan Walsh,
Assistant Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 25/05/2023



Deirdre Kirwan,
Senior Executive Planner