

Comhairle Chontae Atha Cliath Theas

PR/0666/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0533 **Application Date:** 15-Dec-2022
Submission Type: Additional **Registration Date:** 19-May-2023
Information

Correspondence Name and Address: Graham McNevin 3, Killakee Gardens, Firhouse, Dublin 24

Proposed Development: Retention and completion permission for boundary wall treatment. 1. Retention of walls (circa 1.7m & piers 1.95) to front and wall to rear of existing property circa 2.475m (circa 2m from terrace FFL on applicants side). 2. Completion of rendered finish to wall internally & externally to front and all associated site works.

Location: 222, Templeogue Road, Templeogue, Dublin 6w

Applicant Name: Leanne Connell & Daniel Devine

Application Type: Retention

(SW)

Description of Site and Surroundings:

Site Area: stated as 0.036 hectares.

Site Description:

The application site comprises a semi-detached dwelling within a predominantly residential area. The area is characterised by a mix of dwelling types. The properties are generally bounded by walls to the front and side. The walls adjacent to the application site are relatively low, whilst the properties on the opposing side of the road are generally higher.

The river Dodder is situated to the rear of the dwelling.

Proposal:

Retention and completion permission for boundary wall treatment.

1. **Retention of walls** (circa 1.7m & piers 1.95) **to front and wall to rear** of existing property circa 2.475m (circa 2m from terrace FFL on applicants side).

2. Completion of **rendered finish to wall** internally & externally to front and all associated site works.

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Zoning:

The site is subject to zoning objective 'RES' – *'To protect and/or improve residential amenity.'*

CDP Maps – approach surfaces (Casement); Bird Hazards; Outer Horizontal Surface (Dublin); Outer Horizontal Surface (Casement); Riparian Corridor (rear of site only).

Consultations:

Roads: **Refusal** recommended

Water Services: No report received at time of writing.

Irish Water: No report received at time of writing.

SEA Sensitivity Screening

No overlap, adjacent to HA-DV zoning.

Submissions/Observations /Representations

None.

Relevant Planning History

Application Site:

None.

Adjacent Sites:

No 224:

S01B/0158 Revisions to previously approved planning Reg. Ref. S99B/0180 to include increased ridge level to rear extension, provision of side access to extension and minor elevational amendments on lands. **Permission Granted**

S99B/0180 Single storey extension to rear to include mezzanine level, garage conversion to side, minor elevation changes to front, provision of 2 no. car parking spaces to front yard and widening of existing vehicular entrance. **Permission Granted**

Relevant Enforcement History

S8977 **Potential** 1. Structure to rear which may not be considered exempted dev; 2. Wall to front which may exceed 1.2m; 3. Wall to rear which may exceed 2m **LIVE FILE**

Pre-Planning Consultation

None recorded for subject site.

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

Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H11: Privacy and Security Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

6.8.2 Residential Extensions

Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 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.

Section 4.2.1 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.

Section 4.2.2 Sustainable Water Management

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.

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Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 5 Quality Design and Healthy Placemaking

QDP6 Objective 7: To ensure, in so far as is practical, that all boundary walls in new residential developments are of a similar height and of a high quality where they are bordered on either side by a public footpath or an area that has been or is due to be taken-in-charge in order to leverage the opportunity to improve the quality of boundary treatments

Chapter 12 Implementation and Monitoring

SDCC House Extension Design Guide

The House Extension design guide contains the following guidance on house extensions, including alteration of boundary walls:

Elements of Good Extension Design:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

For Front Extensions

Keep front boundary walls or railings, particularly if they are characteristic of the street or area.

Relevant Government Guidelines

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

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

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

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Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Sustainable Movement
- Green Infrastructure
- Water Supply and Wastewater
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Policy

The site is zoned objective RES - 'To protect and/or improve residential amenity'. The principle of the proposed wall for retention and completion is, therefore, considered acceptable.

Residential and Visual Amenity

The applicant is proposing to increase the height of the front boundary wall to approximately 1.7m (1.95m pier height). The applicant has provided the following rationale for these works:

- Unknown works were not exempt
- SDCC guidelines not applicable in areas of high traffic volumes to allow shielding from traffic
- Properties in the area have similar walls

It is also stated that the walls would be rendered and painted upon completion.

The surrounding area is characterised by a mix of dwelling types, with a mix of boundary treatments including high walls, low walls and railings. Different finishes are also present, such as brick and render. It is noted that the adjacent dwelling is indicated as having the same height wall, however, it is not evident whether this has planning permission.

While it relates to new development, QDP6 Objective 7, is considered a relevant guide for the appropriateness of boundary treatments for dwellings. QDP6 Obj. 7 states that '*all boundary walls in new residential developments are of a similar height and of a high quality where they are bordered on either side by a public footpath or an area that has been or is due to be taken-in-charge in order to leverage the opportunity to improve the quality of boundary treatments*'. It is clear that there is a mix of walls / railings on the street, some of which are of equal or greater height than the current site. Subject to appropriate rendering / painting, as suggested by the agent, it is considered that the visual impact of the walls would be acceptable.

In terms of residential amenity, at 1.7m the wall to the front does not have any negative impacts in terms of daylight / overshadowing or being overbearing.

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To the rear, the wall for retention / completion would measure 2.475m from the ground. It is stated that this is 2m from FFL on the applicant's side, but it is noted that there is a terrace. The overall height in terms of considering the impact is therefore taken to be 2.475m. The 'rear boundary wall plan' indicates that the extent of the wall over 2m would be 4.05m long and is the length of the terrace only. The 'rear garden wall elevation' (when measured, as no measurement is provided), indicates that the extent is 5m and that the higher element of wall continues beyond the terrace. The applicant is requested, via **additional information** to provide a clear layout plan showing the house, any extensions, terrace and the location and length of the wall.

Sustainable Movement

The Roads department has reviewed the application and has made the following comments:

"The front boundary wall has been built to a height of 1.7m with a pier height of 1.95m. Roads Dept. considers this height to be excessive as it will significantly reduce the forward visibility for drivers egressing the site. This could pose a serious risk to pedestrians and vulnerable road users and would endanger public safety by reason of a traffic hazard. The boundary walls and gates at vehicle access points should 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".

It is noted that no comment is made regarding the rear wall and it is not considered that there would be any traffic impacts arising from this.

In their submission, the applicants have not considered the impact on visibility that the proposed wall would have on the safety of access and egress to and from the site, instead focusing on protection of the occupants amenity from the passing traffic.

It is considered that the increase in the height of the front boundary wall would significantly impact visibility from the site, with vehicles existing the property being very restricted in views in relation to both pedestrian and vehicular movement. This would present an unacceptable traffic hazard and it is agreed that the retention of the front wall in its current form should be **refused** on this basis.

As additional information is requested in relation to the rear wall, the applicant is invited in this instance to reduce the height of the boundary wall to the front to 1.2m. **Additional information** is therefore requested.

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Green Infrastructure

The site appears to be located within Strategic Corridor 1: The Dodder River, as per Figure 4.4 of the Development Plan.

It is apparent from aerial imagery that there is / was some vegetation present along the boundary walls. The applicant is requested to provide a green infrastructure plan indicating the following:

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

Any GI removed to accommodate the walls for retention should be clearly set out. If there is any loss, mitigation should be proposed. **Additional information** is therefore requested.

The heightening of the wall would not increase the area of hardstanding at the site, and it is not considered, therefore, that there would be a significant impact in terms of additional surface water runoff as a result of the development.

The rear of the site is within a designated Riparian Corridor. It is not considered the proposal to retain has significant implications for the Riparian Corridor.

Water Supply and Wastewater

Given the nature of the development, it is not considered that there would be any impact to Irish Water infrastructure.

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 urban area and relates to boundary walls.

Having regard to:

- the scale and nature of the development,
- the location of the development, and
- the consequent distance from the site to qualifying European sites,

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

Environmental Impact Assessment

Having regard to the 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.

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Further Information

- Further Information was requested on 20/02/2023.
- Further Information was received on 19/05/2023.

No submissions/observations on the further information have been made.

Further information

The following Further Information was requested.

1. *The applicant is requested to provide a clear layout plan showing the house, any extensions, terrace and the location and length of the wall. Revised elevations/sections should also be provided as necessary.*
2. *The applicant is requested to provide revised plan/elevations which indicate the boundary walls and gates at vehicle access points are limited to a maximum height of 0.9m, and any boundary pillars are limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
3. *The applicant is requested to provide a green infrastructure plan indicating the following:*
 - tree and hedgerow removal;
 - tree and hedgerow retention;
 - new tree and hedgerow planting;

Any G.I. removed to accommodate the walls for retention should be clearly set out. If there is any loss, mitigation should be proposed.

Further Consultations

Roads Department – No further response at time of writing.

Further Submissions/Observations

None received.

Assessment

Item 1 – Revised plans/elevations. sections:

The Applicant has submitted revised drawings in plan and elevations (Drawing number: 21-BI-RFI-0002) showing the plan for the entire site and elevational drawings for the rear wall to be retained. The revised drawings show that there is a rear terrace elevated by .475m above the existing garden level. The length this terrace runs is 4.05m in length. The height of the boundary wall at terrace level is 2.025m, it is assumed that the neighbouring garden is of similar level, therefore, the wall height from the neighbouring garden is approx. 2.5m. high. This would not have a negative visual impact and would be acceptable in this instance. The remaining existing boundary wall has a height from the ground level of approx. 1.8m this is acceptable.

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Item 2 – Revised plans/elevations to indicate vehicular access points are limited to a maximum height of 0.9m and any boundary pillars are limited to a maximum height of 1.2m

The Applicant has submitted revised drawings (Drawing number: 21-BI-RFI-0101) showing the plan/elevations/contiguous drawings for the front of the property. The applicant had submitted NRB Engineers report in regard to sightlines, pedestrian intervisibility and traffic safety issues.

The front wall for retention is a currently a height of circa. 1.7m with pillars at the vehicular entrance a height of circa 1.975m. The vehicular entrance width of 3.57m. SDCC Roads Department have no concerns with the vehicular entrance width and it is acceptable in this instance.

Following the submitted engineers report on sightlines and in line with the National Roads TII Design requirements and DMURS requirements, it is ascertained that the Stopping Sight Distance meets the requirements, subject to adjustment of the eastern front boundary wall (onto Templeogue Road) to be reduced from the existing 1.7m height to 1.05m height. This is welcomed and in the event of the granting of retention planning permission, it shall be a **condition** that revised plans showing all redesigns and changes shall be submitted to the Planning Authority.

There is no submitted adjustment to the current pillar height, it shall be a **condition** that the pillars located to the front be reduced in height from 1.975m to 1.2m, in the interest of traffic safety and residential amenity.

The remaining front side boundary walls are 1.7m in height. As previously stated, the surrounding area is characterised by a mix of dwelling types and boundary treatments with boundary walls of the same height or higher than the subject dwelling, albeit some without planning permission. In the event of the granting of retention planning permission, it shall be a **condition** that revised plans/elevation shall be submitted to reflect a reduction in height of the front side boundary wall to a maximum of 1.2m height.

Item 3 – The applicant is requested to provide a green infrastructure plan indicating tree and hedgerow removal, tree and hedgerow retention, new tree and hedgerow planting and any mitigation proposals.

Drawing No. 21-BI-RFI-0002 submitted showing the site plan for the rear garden, whereby the hedgerow was present on 3 boundaries, albeit on a low level and with some gapping. Some hedgerow was removed on the eastern boundary to accommodate the construction of the boundary wall. It is intended to re-instate the hedgerow that was removed and that green infrastructure such as soft landscaping will account for circa 75% of the rear garden. This is acceptable.

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The Planning Authority considers the applicant has partially responded to the request for additional information for this item. Certain conditions will be attached in the event of the grant of retention planning permission to address issues.

Other Considerations

Development Contributions

- Proposed raising of boundary wall height.
- No previous extension.
- Assessable area is nil.

| SEA Monitoring Information | |
|-----------------------------------|--------------------------|
| Building Use Type Proposed | Floor Area (sq.m) |
| Residential – Boundary wall | 0 |
| Land Type | Site Area (Ha.) |
| Brownfield/Urban Consolidation | 0.0036 |

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

Recommendation

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

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SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, as amended by further information as received on 19/05/2023, within 3 months of the grant of permission, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Dish Kerb and Footpath.
The kerb and footpath of the public road at the vehicle entrance(s) shall be,
(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense, and
(b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.
REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.
3. Gates.
No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way, and any front entrance pillars shall be a maximum height of 1.2m . The applicant shall submit revised plans/elevations displaying the maximum pillars heights to be reduced to a maximum height of 1.2m.
REASON: In the interests of visual amenity and pedestrian safety.
4. Minimise Air Blown Dust.
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.
REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

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5. Construction Noise and Hours.

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

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

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

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

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

6. External Finishes.

All external walls shall be rendered on all sides and capped.

REASON: In the interest of visual amenity.

7. The development hereby approved shall incorporate all of the following amendments-

- (a) Reduction in front boundary pillars to a maximum height of 1.2m.
- (b) Reductions in front side boundary walls to a maximum height of 1.2m.

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

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

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

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

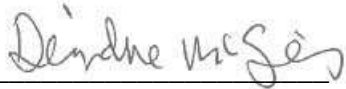
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REG. REF. SD22B/0533

LOCATION: 222, Templeogue Road, Templeogue, Dublin 6w



**Deirdre McGennis,
Assistant Planner**

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

Date: 15/06/2023


**Colm Harte,
Senior Executive Planner**