

Comhairle Chontae Atha Cliath Theas

PR/0879/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0506 **Application Date:** 22-Nov-2022
Submission Type: Additional **Registration Date:** 30-Jun-2023
Information

Correspondence Name and Address: Christopher Boylan, Plantech Design Limited 721,
Northwest Business Park, Ballycoolin, Dublin 15,
D15 YD30

Proposed Development: The development will consist of 1. Demolition of the existing garage/carport wall attached to the existing house. 2. Construction of a single storey flat roof front extension to consist of a porch and utility Room. 3. Construction of a two storey rear extension with gable ended roof to consist of hall, Lounge/Play room, Master bedroom walk in wardrobe and ensuite on the ground floor and two bedrooms, office and bathroom on the first floor. 4 Construction of court yard in the ground floors proposed to the rear extension and the existing house. 5. General remodel and upgrade of the existing dwelling to suit the proposed layouts. 6. All drainage, structural and associated siteworks to be implemented

Location: 32, The Dale, Kingswood Heights, Dublin 24

Applicant Name: Neil Lawlor & Yonne Potts

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area

Stated as 0.02467

Site Description

The property is located in The Dale, Kingswood Heights off the R838 within close proximity to the M50. The area is predominantly residential in nature with units of varying styles and ridge heights whilst maintaining an overall consistent distinctive design aesthetic with a relatively uniform building line. The subject site consists of a single storey detached dwelling with stepped pitched roofs.

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Proposal:

The development will consist of:

- 1. Demolition of the existing garage/carport wall attached to the existing house.
- 2. Construction of a single storey flat roof front extension to consist of a porch and utility Room.
- 3. Construction of a two storey rear extension with gable ended roof to consist of hall, Lounge/Play room, Master bedroom walk in wardrobe and ensuite on the ground floor and two bedrooms, office and bathroom on the first floor.
- 4 Construction of court yard in the ground floors proposed to the rear extension and the existing house.
- 5. General remodel and upgrade of the existing dwelling to suit the proposed layouts.
- 6. All drainage, structural and associated siteworks to be implemented.
- Total area of works 78.8sqm.

Zoning:

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

Consultations:

Irish Water - No report received at time of writing.

Water Services – No report received at time of writing.

Roads Department – No objections subject to condition.

Parks Department – No objections subject to condition.

SEA Sensitivity Screening

No overlap with relevant layers.

Submissions/Observations /Representations

None.

Relevant Planning History

Subject Property:

SD21B/0437 – 32 The Dale, Kingswood Heights, Dublin 24 – **Permission Granted** for Rear Extension. **Permission refused** for amendments to the front elevation and the roof profile.

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Adjacent sites:

SD11B/0241 – No. 27 The Dale, Kingswood Heights, Dublin 24 - **Retention Permission** Granted for retention of (1) bay window extension to the front; (2) entrance porch extension to the side of the existing dwelling.

SD14B/0036 – No. 18 Kingswood Drive, Tallaght, Dublin 24 - **Permission Granted** for ground floor rear extension with flat roof over; ground floor front porch with pitched roof over; first floor side extension with pitched roof over and 1 Velux roof light in rear slope of roof and internal alterations to ground and first floor.

SD14B/0146 – No. 14 Kingswood Drive, Tallaght, Dublin 24 - **Permission Granted** to remove the tiled roof over the ground floor porch and side structure and construct a first floor extension over with a tiled roof to match existing; new canopy over entrance; single storey extension to the rear; internal alterations and associated site works.

SD17B/0356 – No. 8 Kingswood Drive, Tallaght, Dublin 24 - **Permission Granted** for a single storey front extension to existing semi-detached house, internal alterations to existing ground floor layout for accessible use, construction of a single storey rear extension, modification to existing front boundary wall and garden for accessible use - by widening entrance to allow accessible vehicle and levelling the garden to create a level platform and all associated site works.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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

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).

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Policy G11: Overarching

G11 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.

G12 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.

G14 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.

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 12 Implementation and Monitoring

Section 12.5.8 Residential Consolidation

Extensions

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Relevant Government Guidelines

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

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

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

Assessment

The main issues for assessment are.

- Zoning and Council Policy
- Planning Note
- Residential and Visual Amenity
- Drainage
- Roads
- Parks
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

A development comprising of a single storey front extension, two storey rear extension, including the creation of a courtyard would be 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

Single Storey Front Extension

The proposed single storey front extension requires the removal of the distinctive front wall, a continuation of the front elevation which contains double door access and a separate single door access to a hardscaped front garden (car port) and the private rear amenity space. The recessed area to the west of the northern elevation is to be extended by 2.4m and continues the same roof profile and ridge height of the main existing roof which is **appropriate**. The main entrance to the dwelling would now be on the front of the proposed extended area which although is a departure from the established pattern of development, it is sympathetic to the architectural language of the development as a whole. Overall, the proposed single storey front extension would not be severely injurious to the residential or visual amenities of the area.

Two Storey Rear Extension and Courtyard

The proposed extension to the rear would extend over two floors and have a ridge height of approximately 6.98m and extend a depth of approximately 7.4m past the existing dwellings rear wall. The height of the proposed development is not consistent with the established pattern of development which is single storey. It is noted that the dwellings to the south of the development are two-storey but the difference in dwelling types is clearly delineated.

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Furthermore, the development is entirely overbearing in general terms in the site context and would lead to significant overshadowing of the neighbouring dwellings to the east and west and would result in a loss of vertical sky component and daylight. Additionally, there would only be a distance of approximately 15m to the opposing first floor rear window of the dwelling directly to the south which is **unacceptable**. Visually, the proposed development is incongruous with the architectural style of the area and the windows on the first floor of the northern elevation would be jarring in the site context. **Additional Information** should be sought from the applicant to reduce the proposed rear extension to a single storey development and provide a daylight analysis report demonstrating the impacts of same on the neighbouring dwellings to the east and west.

The proposed development would leave a private rear amenity space with a depth of approximately 4.06m to the rear boundary wall with a width of approximately 8.7m totalling 35sqm which considered acceptable although it is noted that given the relatively short depth and height of the proposed development, it would be overshadowed significantly. There is also a courtyard proposed that would also be significantly overshadowed and the applicant should consider reducing the depth of the proposed development in order to improve the rear amenity space instead.

Overall, additional information should be sought from the applicant to address the issues as highlighted.

Drainage

No report was received from Irish Water or Surface Water Drainage at the time of writing. Notwithstanding this, the applicant has not indicated any Sustainable Urban Drainage Systems for the proposed development which should be sought by **Additional Information** also.

Roads

The Roads Department have no objections which is appropriate as there does not appear to be changes to the access arrangements as a result of the proposed development. One condition is attached which is not considered appropriate or necessary and would not be attached in the event of a grant of permission.

Parks

The Parks Department have no objections to the proposed development and attached one condition in the event of a grant of permission regarding the appropriate treatment of SuDS and it is considered appropriate that the applicant be afforded the opportunity to address this via Additional Information. The following report was received:

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SUDS

As required under Section 12.11 (iii) Sustainable Urban Drainage System (SuDS) of the CDP 2022-2028 Development proposals should provide suitable drainage measures in compliance with the South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022. In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS). Sustainable Drainage Systems include devices such as swales, permeable pavements, filter drains, soak ways and green roofs.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

1. Sustainable Drainage System (SuDS)

The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Sample SuDS devices include green roofs, water butts, filter strips and permeable paving amongst others. The applicant is referred to the SDCC SuDS Design Guide for further information and guidance. In addition, the applicant should consider the provision of Water butts as part of the SuDS proposals.

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

Green Infrastructure

The subject application provides for an increase in the footprint of the subject house on an established suburban residential site. The site does not appear to be located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028) and given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

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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 the provision of a single storey front extension, two storey rear extension, including the creation of a courtyard and other works.

Having regard to:

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

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

Environmental Impact Assessment (EIAR)

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.

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Development Contributions

Planning Reference Number	SD22B/0506
Summary of permission granted & relevant notes:	Residential Extension 78.8sqm.
Are any exemptions applicable?	Yes
If yes, please specify:	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.
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	78.8
Amount of Floor area, if any, exempt (m2)	40
Total area to which development contribution applies (m2)	38.8
Total development contribution due	€4,621.08

SEA Monitoring Information

Building Use Type Proposed:

Floor Area:

78.8sqm

Land Type:

Urban Consolidation.

Site Area:

0.02467

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Conclusion

The proposed development is not consistent with the policies and provisions of the South Dublin County Development Plan 2022 - 2028. The issues as highlighted throughout the report should be addressed by **Additional Information** including:

- Consider reducing the proposed rear extension from two storey to single storey.
- Consider reducing the depth of the proposed rear extension and removal of the courtyard.
- Address the lack of Sustainable urban Drainage Systems.

Recommendation

Request additional information.

(SW)

Additional information requested: 26.01.2023

Additional information received: 30.06.2023

Consultations:

Water services: no objection, subject to conditions.

Assessment:

Item 1:

The Planning Authority maintain concerns regarding the design of the proposed development and the applicant should submit drawings including site plans, floor plans, elevations and contiguous elevations demonstrating the following:

- a) Reduction of the proposed rear extension from two-storey to single storey which maintains the same ridgeline as the host property.
- b) Reduce the depth of the proposed rear extension. The applicant should consider removing the courtyard to facilitate this.

Applicant's response:

Height of 2 storey element has been reduced by 1m, the resultant development would be 'exempt'.

Main extension now has flat roof.

Rear extension and courtyard have been reduced.

Assessment:

The applicant has failed to take into account the matters raised in the additional information request. The existing dwelling is a bungalow and the applicant is proposing a two storey element.

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The matters of concern raised in the original assessment remain. It is not considered that the design of the proposal is a significant improvement on that which was originally proposed and the applicant has failed to address the concerns of the Planning Authority.

The Planning Authority strongly supports the principle of the extension of the subject property; however, it is not considered that the design of the proposal is a significant improvement on that which was originally proposed. In particular, the applicant has failed to address the concerns of the Planning Authority and would result in a significant negative impact on the adjoining properties and the visual amenity of the surrounding area and therefore cannot be supported.

It is not considered possible to incorporate a condition to omit the upper floor element of the proposed rear extension, as it would result in the loss of two bedrooms and a family bathroom. Such a condition would require a significant redesign of the dwelling, which goes beyond what is achievable through Planning Compliance. Accordingly, it is recommended that planning permission should be refused for the proposed development.

It is noted that the applicant contends amended development, as now proposed, meets the exempted development criteria, which is not the case. While the applicant has not submitted a Section 5 declaration so a full assessment has not been undertaken, however, it should be noted there are a number of criteria that must be satisfied to be considered exempt and the 2 storey element would not meet these criteria.

Irrespective of the applicant's contention in relation to proposed development meeting the exempted development criteria, the applicant has applied under the Section 34 (Planning Application) process and therefore the proposal is subject to the provisions of the South Dublin County Council Development Plan and the South Dublin County Council House Extension Guide (2010). The outcome of the current application does not reduce or curtail the applicants ability to utilise the exempted development provisions for dwelling houses.

Item 2:

The applicant should submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the proposed development. Sample SuDS devices include green roofs, water butts, filter strips and permeable paving amongst others. The applicant is referred to the SDCC SuDS Design Guide for further information and guidance. In addition, the applicant should consider the provision of Water butts as part of the SuDS proposals.

Applicant's response:

Amended SuDS details provided.

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Assessment:

Water Services has no objections, subject to conditions. This is acceptable.

Development Contributions

Previous extensions granted permission (cannot be implemented if this permission is).

Area of extension to change via condition.

40sq.m exemption applicable

SEA monitoring

Building Use Type Proposed: Residential

Floor Area: to be altered via condition.

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.02467 Hectares.

Conclusion

While the Planning Authority strongly supports the principle of extending the existing dwelling, the impact of the first floor element on the adjoining properties and the visual amenity of the surrounding area would seriously injure the amenities of the area and would not accord with the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

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 proposed development, due to the scale of the rear extension, the proximity to the neighbouring dwellings and the visibility of the rear extension from the surrounding area, would as a result in the creation of an overbearing element that would be seriously injurious to the visual and residential amenity of neighbouring residents and the surrounding area and would set a precedent for development which would be incompatible with the established character of the area. The proposal would be contrary to 'RES' Zoning, which seeks to protect and / or improve residential amenity and is contrary to the provisions of the South Dublin County Development Plan 2022-2028 the South Dublin County Council House Extension Guide (2010) and the proper planning and sustainable development of the area.

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REG. REF. SD22B/0506

LOCATION: 32, The Dale, Kingswood Heights, Dublin 24


Colm Harte,
Senior Executive 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: 27/07/2023


Deirdre Kirwan,
Senior Executive Planner