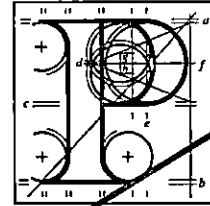


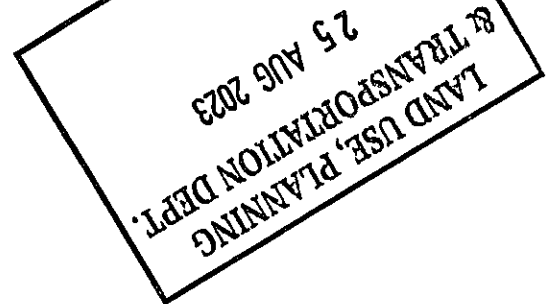
Our Case Number: ABP-317859-23

Planning Authority Reference Number: SD22B/0506



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 24 August 2023

Re: Demolition of garage, construction of single storey extension to front, and 2 storey extension to the rear
32, The Dale, Kingswood Heights, Dublin 24

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:-

Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter.

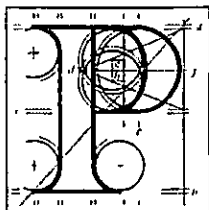
Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Tel	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An
Bord
Pleanála

AN BORD PLEANÁLA	
LDG- <u>066016-23</u>	
ABP- _____	
22 AUG 2023	
Fee: € <u>220</u>	Type: <u>PMO</u>
<u>15.21</u>	
By: <u>Hand</u>	

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Neil Lawlor & Yvonne Potts .

(b) Address

32 The Dale, Kingswood Heights, Dublin 24, D24
W5TF.

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Plantech Design LTD.

(b) Agent's address

721 NW Business Park, Ballycoolen, Dublin, D15
YD30

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

South Dublin County Council

(b) Planning authority register reference number

(for example: 18/0123)

SD22B/0506

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

32, The Dale, Kingswood Heights, Dublin 24

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please note Precedent for similar developments in the immediate area of this planning application site.

(PLEASE SEE ATTACHED DRAWINGS, PHOTOS AND OTHER FILES FOR YOUR INFORMATION WHILST REVIEWING THIS APPEAL).

WE ARE APPEALING THE DECISION BY SDCOCO REG REFERENCE SD 22B / 0506 TO REFUSE A TWO STOREY ^{REAR} EXTENSION TO AN EXISTING DWELLING.

THERE IS MULTIPLE PRECEDENT FOR SIMILAR AND IDENTICAL DEVELOPMENTS IN THE IMMEDIATE VICINITY OF THE APPLICATION SITE. SEE COLOUR CODED IMAGES AND FILE REFERENCES ENCLOSED.

SDCOCO MADE NO REFERENCES TO OUR LISTED PRECEDENT FILE IN THEIR DECISION, AND ONLY MENTIONED DWELLINGS TO THE REAR OF THE SITE.

WE RESPECTFULLY REQUEST ABP FAIRLY REVIEW AND CONSIDER THIS PROPOSAL

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

SIGNED ON BEHALF OF APPELLANTS
CHRISTOPHER
B. BOYLAN



DIRECTOR.
PLANTECH DESIGN LTD.

PLANTECH
ARCHITECTURAL DESIGN CONSULTANTS
www.plantech.ie
info@plantechdesign.ie
Tel: +353 46355544
01 524 1521
D15 YD 30
CRO: 658315

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

Plain English
Approved by NALA

South Dublin County Council

An Rannóg Talamhúsáide, Pleanála agus Iompair

Land Use, Planning & Transportation Department

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

**Stephen Ellis,
SE Home Improvements
9, The Dale
Kingswood Heights
Dublin 24**

**NOTIFICATION TO GRANT PERMISSION & REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Final Grant Order No.:	0645	Date of Final Grant:	25-May-2022
Decision Order No.:	0479	Date of Decision:	12-Apr-2022
Order Reference:	SD21B/0437	Date:	16-Mar-2022

Applicant: Neil Lalor

Development: Construction of a ground floor extension in the front courtyard; first floor pitched roof re-design consisting of 2 bedrooms and a ground floor extension to the rear of the house with all associated site works.

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

Time extension(s) up to and including:

Additional Information Requested/Received: 30-Sep-2021 / 16-Mar-2022

A Permission has been granted for the development described above, subject to the following conditions.

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 16th March 2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
 - (a) Elevations showing no change to the existing front elevation of the dwelling.
 - (b) Floor plans demonstrating no amendments to the internal layout of the dwelling except the single storey extension to the rearREASON: To protect the amenities of the area and in the interests of the proper planning and

sustainable development of the area.

3. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) Restriction on Use.

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

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

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

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

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

(iv) All drainage works for this development shall comply fully with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal

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

(d) Minimise Air Blown Dust.

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

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

(e) Construction Noise and Hours.

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

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the

reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

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

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

REASON: In the interest of public health by the prevention of unacceptable levels of 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.

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

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

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

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

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

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

_____05-Jul-2022
for Senior Planner

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

Stephen Ellis,
SE Home Improvements
9, The Dale
Kingswood Heights
Dublin 24

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 1298	Date of Decision: 30-Sep-2021
Register Reference: SD21B/0437	Registration Date: 06-Aug-2021

Applicant: Neil Lalor
Development: Construction of a ground floor extension in the front courtyard; first floor pitched roof re-design consisting of 2 bedrooms and a ground floor extension to the rear of the house with all associated site works.
Location: 32, The Dale, Kingswood Heights, Dublin 24
Application Type: Permission

Dear Sir /Madam,

With reference to your planning application, received on 06-Aug-2021 in connection with the above, I wish to inform you that before the application can be considered under Section 33 of the Planning & Development Act 2000, six copies of the following **ADDITIONAL INFORMATION** must be submitted.

1. There are concerns in relation to the design of the proposed development and the potential impact on the visual character of the area. In the interests of preserving the defining characteristics of the streetscape, the applicant is requested to:
 - (i) Consider the re-design of the proposed ground floor extension to the front to retain some or all of the distinctive features of the front elevation, namely the unsupported full bay window and carriage archway.
 - (ii) Consider the re-design of the attic conversion and extended floor area to retain the stepped double gable roof profile. In re-designing the attic conversion and extended floor area, the Applicant could

consider providing the extension to the rear of the dwelling, which may facilitate the retention of the distinctive double gable roof profile.

2. It is noted that there are inconsistencies and inaccuracies in the submitted drawings. In this regard the applicant is requested to submit the following:
 - (i) A revised Site Layout Plan (Dwg No. PP02) showing the correct orientation of the north point and levels.
 - (ii) Cross sections through the length of the building.
3. As noted in the Water Services Planning Report prepared by the Drainage Section, it does not appear that the applicant has proposed any SuDS (Sustainable Drainage Systems). It is therefore requested that the applicant submit a drawing with plan and cross sectional views clearly demonstrating the proposed SuDS features of the proposed development.

NOTE: The applicant should note that any submission made in response to the above will be examined and MAY be deemed to be SIGNIFICANT ADDITIONAL INFORMATION by the Planning Authority. In this event the applicant(s) will be subsequently notified and requested to publish a notice in an approved newspaper and erect or fix a site notice on the land or structure to which the further information relates and to submit copies of the both the newspaper and site notices to the Planning Authority in accordance with Article 35 (1) (a) and (b) of the Planning and Development Regulations 2001 (as amended).

Note: The applicant must submit the Further Information within **6 months** of the **date of decision**. If the information is not received within this period the planning authority shall declare the application to be withdrawn.

Please ensure that your reply to this Request for Additional Information is accompanied by a covering letter marked "ADDITIONAL INFORMATION" and that the Planning Register Reference Number given above is quoted on the covering letter.

Signed on behalf of South Dublin County Council

Register Reference: SD21B/0437

Date: 30-Sep-2021

Yours faithfully,


for Senior Planner

Christopher Boylan,
Plantech Design Limited
721, Northwest Business Park
Ballycoolin
Dublin 15
D15 YD30

F. I. REQUEST

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 0096	Date of Decision: 26-Jan-2023
Register Reference: SD22B/0506	Registration Date: 22-Nov-2022

Applicant: Neil Lawlor & Yonne Potts

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

Application Type: Permission

Dear Sir /Madam,

With reference to your planning application, received on 22-Nov-2022 in connection with the above, I wish to inform you that before the application can be considered under Section 33 of the Planning & Development Act 2000, six copies of the following ADDITIONAL INFORMATION must be submitted.

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.

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.

NOTE: The applicant should note that any submission made in response to requests for additional information will be examined by the Planning Authority and may be deemed to be significant additional information. The applicant will be contacted by the Planning Authority if the additional information submission is deemed significant. In this event the applicant(s) will be requested to publish a notice in an approved newspaper and erect or fix a site notice on the land or structure to which the further information relates and to submit copies of the both the newspaper and site notices to the Planning Authority in accordance with Article 35 (1) (a) and (b) of the Planning and Development Regulations 2001 (as amended).

Note: The applicant must submit the Further Information within **6 months** of the **date of decision**. If the information is not received within this period, the planning authority shall declare the application to be withdrawn.

Please ensure that your reply to this Request for Additional Information is accompanied by a covering letter marked "ADDITIONAL INFORMATION" and that the Planning Register Reference Number given above is quoted on the covering letter.

Signed on behalf of South Dublin County Council

Register Reference: SD22B/0506

Date: 27-Jan-2023

Yours faithfully,

Pamela Hughes
for Senior Planner

Comhairle Chontae Atha Cliath Theas

PR/0879/23

Record of Executive Business and Chief Executive's Order

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).

Comhairle Chontae Atha Cliath Theas

PR/0879/23

Record of Executive Business and Chief Executive's Order

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.

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.

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.

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).

Christopher Boylan,
Plantech Design Limited
721, Northwest Business Park
Ballycoolin
Dublin 15
D15 YD30

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	0879	Date of Decision	27-Jul-2023
Register Reference	SD22B/0506	Date	30-Jun-2023

Applicant:

Neil Lawlor & Yonne Potts

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

Time extension(s) up to and including:

Additional Information Requested/Received:

26-Jan-2023/30-Jun-2023

Clarification of Additional Information Requested/Received:

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

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.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22B/0506

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 27-Jul-2023
for Senior Planner

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.

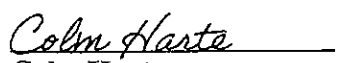
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REG. REF. SD22B/0506

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