

**4bes Design Services
38, Larkfield Avenue
Lucan
Co. Dublin**

Date : 10-Jun-2024

Reg. Ref. : SD22B/0454/C1
Proposal : Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.

Condition 1:
Location : 2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10
Applicant : James & Emma Mulhern
Application Type: Compliance with Conditions

Dear Sir/Madam,

I refer to your submission received on 18-Apr-2024 to comply with Condition No 1 of Grant of Permission No. SD22B/0454 (An Bord Pleanála Ref: ABP-315464-23), in connection with the above.

In this regard I wish to inform you that the submission received is deemed **not** compliant.

Comments:

“Proposed Development:

Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.

Planning History:

Permission was sought under application Reg. Ref. SD22B/0454 (submitted to SDCC on 18/10/22) for conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.

Notification of Decision to Grant Permission was issued by SDCC on 12/12/22, recommending a grant of permission subject to the following 4 no. conditions:

1. *Development in accordance with submitted plans and details. The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.*
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2.
 - (a) *External Finishes. All external finishes shall harmonise in colour or texture that is complementary to the house or its context. REASON: In the interest of visual amenity.*
 - (b) *Restriction on Use. The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit. REASON: To prevent unauthorised development.*
 - (c) *Drainage - Irish Water.*
 - (i) *The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.*
 - (ii) *There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.*
 - (iii) *All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.*
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
 - (d) *Minimise Air Blown Dust. During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.*
REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.
 - (e) *Construction Noise and Hours. To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated 3 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.

3. *Prior to the commencement of development the Applicant shall submit to the planning authority amended plans, sectional and elevational drawings for the proposed development indicating the following amendment:*

(a) Amendment of the proposed roof profile of the dwelling to increase the half-hipped element of the profile.

REASON: In the interests of adherence to the South Dublin House Extension Design Guide (2010) and the proper planning and sustainable development of the area.

4. *Protection of Street Trees in Grass Margins*

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. NCBH11 Objective 3.

The decision of SDCC was subject to a 3rd party appeal to An Bord Pleanála; ABP Reg. Ref. ABP-315464-23 refers.

An Bord Pleanála granted permission for the conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear, all at 2 Wainsfort Manor Drive, Terenure Dublin on 31/01/24, subject to subject to 4 no. conditions as follows:

1. *The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such detailed in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.*
Reason: In the interest of clarity.
2. *The external finishes of the proposed extension (including roof tiles) shall be the same as those of the existing dwelling in respect of colour and texture.*
Reason: In the interest of visual amenity.
3. *Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.*
Reason: In the interest of public health.
4. *Site development works and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, inclusive, between 0800 and 1400 hours on Saturday and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.*
Reason: To safeguard the residential amenities of adjoining properties in the vicinity.

Documents provided by Applicant:

The submission received on behalf of the applicant included:

- Cover Letter, dated 17/04/24 and prepared by 4bes Design Services.
- Copy of SDCC Notification of Decision to Grant Permission relating to Reg. Ref. SD22B/0454.
- Copy of An Bord Pleanála Grant Order relating to ABP Reg. Ref. ABP-315464-23.
- Revised elevation drawings (Drawings WM-9, WM-10 and WM-11), prepared by 4bes Design Services.

Assessment/Planners Response:

The covering material submitted refers to Condition no.3 of the SDCC Notification of Decision to Grant Permission relating to amendments required to the half-hipped element of the proposed roof profile, noting “*See drawing No.s WM-9, WM-10, WM-11*” with regard to same. The covering material separately refers to Condition no.1 of the An Bord Pleanála Grant Order relating to ABP Reg. Ref. ABP-315464-23. Revised elevation drawings submitted demonstrate amendment to the profile of the half-hipped element of the proposed development from that originally include on plans and particulars submitted to SDCC on 18/10/22 under Reg. Ref. SD22B/0454.

As per the detailed planning history pertaining the subject planning application above, the decision of SDCC to grant permission for the subject development under SD22B/0454 was subject to appeal, with An Bord Pleanála granting permission on appeal under ABP-315464-23.

A grant of permission of An Bord Pleanála for a proposed development, and any/all conditions of said grant of permission, supersede the decision of the Planning Authority. As such, the grant of permission by An Bord Pleanála for the subject development at 2 Wainsfort Manor under ABP-315464-23 is subject to the 4 no. conditions attached to the ABP grant of permission, detailed in full above. Of the 4 no. conditions of the grant of permission by An Bord Pleanála for the subject development under ABP-315464-23 (detailed in full above), no stated conditions required details to be agreed with the planning authority. For clarity, it is noted that no condition of the grant of permission by An Bord Pleanála related to revisions to the profile of the roof of the subject dwelling, as proposed.

Having regard to the above, the submission cannot be considered compliant with regard to Condition 1 of SD23B/0454 (/ABP-315464-23) as the content of the compliance submission does not correspond to any condition of the grant of permission by An Bord Pleanála for the subject development under ABP-315464-23. It is therefore considered that this submission is **non-compliant** with the stated condition/s.

Conclusion:

Having regard to the information submitted and the requirements of the subject grant of permission for development at 2 Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10, it is considered that the submission is not compliant.

The applicant should be advised of same, and advised of the content of the above assessment in full.”

Yours faithfully,

M.C.

for **Senior Planner**