



An
Bord
Pleanála

Inspector's Report

ABP-308708-20

Development	Single storey extension to the front and side, new external render finish and alterations to windows
Location	20 Elm Walk, Rathcoole, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0332
Applicant(s)	Darren Kane
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v Condition Nos. 2, 3 and 4
Appellant(s)	Darren Kane
Observer(s)	None
Date of Site Inspection	24.03.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within a residential area of Rathcoole.
- 1.2. The house on site is an end-of-terrace two-storey unit with an attached single storey shed to the side which it is proposed to demolish. There is no vehicular access to the site. The areas to the front/north and side/east are public open space and pedestrianised areas and there is a pedestrian laneway along the rear/south site boundary accessing a car parking area.
- 1.3. The site has an area of 0.0342 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - a single storey extension to the front and side of the house,
 - new external render finish to the entire house, and
 - a reduction in the size of three windows.
- 2.2. The existing house has an indicated floor area of 95sqm and a height of 7.58 metres. The shed to be demolished has a floor area of 18sqm. The proposed ground floor area is stated as 39sqm with a height of 3.38 metres.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to eight conditions including the insertion of a gable elevation window, surface water disposal, Irish Water, use of the house and extension as a single unit, external finishes and construction practices.

3.2. **Planning Authority Reports**

3.2.1. The Planning Report forms the basis of the decision. The report concludes that, having regard to the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the proposed development, subject to conditions, it would not seriously injure the amenities of the area or property in the vicinity, would be in accordance with the proper planning and sustainable development of the area and would be consistent with Council policy in relation to house extensions.

3.2.2. **Other Technical Reports**

Water Services – Additional information required in relation to surface water. No objection in terms of flood risk.

3.3. **Prescribed Bodies**

Irish Water – Further information required in relation to foul water.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None relevant.

5.0 **Policy Context**

5.1. **South Dublin County Council Development Plan 2016-2022**

5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' on Map 8.

5.1.2. Section 2.4.1 (Residential Extensions) contains Housing (H) Policy 18 which states that it is the policy of the Council to support the extension of existing dwellings subject

to the protection of residential and visual amenities. H18 Objective 1 states that it is an objective 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 11 (Implementation) and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

- 5.1.3. Section 11.3.3(i) (Implementation – Land Uses – Additional Accommodation – Extensions) also refers to the House Extension Design Guide. This guide sets out good practice in approaching the design of extensions.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 6.9km to the south east. The closest heritage area is Slade of Saggart and Crooksling Glen pNHA approx. 2.3km to the south east.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- In relation to Condition 2, a window in the kitchen gable would take up space for cabinets and work space. Also, a window would only be looking at a blank wall. There is anti-social behaviour in the laneway beyond. The window is unnecessary and unwanted.
- In relation to Conditions 3 and 4, the house already has connections to surface water and Irish Water services. The drawings and pipe sizes would probably require a structural engineer at large cost. The Council have said the drawings are on the Council website so the applicant does not know why he needs to submit them as the Council already have them.
- The applicant enquires as to whether these conditions can be removed.

6.2. **Planning Authority Response**

The planning authority confirms its decision, and the appeal raises no new issues.

6.3. **Observations**

None.

7.0 **Assessment**

The first party appeal relates specifically to Conditions 2, 3 and 4 of South Dublin County Council's decision to grant permission for a domestic extension and alterations to the external facade of the existing end-of-terrace house. These conditions relate to the insertion of a gable window, surface water disposal and Irish Water. I consider that, having regard to, inter alia, the zoning objective of the site and Housing (H) Policy 18 of the County Development Plan 216-2022, the nature and scale of the proposed development, the absence of third party submissions, the external finishes of other houses in the vicinity, the private open space area to be retained and the absence of any impact on any Natura 2000 site as a result of the proposed development, individually or in combination with other plans or projects, the proposed development is acceptable. Therefore, I intend to limit my consideration to the matters raised in relation to the terms of the conditions and not carry out a de novo assessment of the proposed development.

7.1. **Condition No. 2 (Window)**

7.1.1. Condition No. 2 states as follows.

2. Side Windows

Prior to the commencement of development, the applicant is requested to amend the design and submit a revised west elevation drawing to the Planning Authority. The revised design shall add a west elevation gable kitchen window, proportionate to the pattern of opes and window finish in the dwelling.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

- 7.1.2. The proposed single storey extension contains a living area and a kitchen. There is a wrap-around corner window to the front/living area. The kitchen has a blank gable but has a window and French door on the rear wall. I note initially that, although the condition and the planning authority Planning Report refer to the west elevation gable it is, in fact, the eastern gable. The rationale for the inclusion of the condition is set out in Page 5 of the Planning Report. The blank gable elevation, notwithstanding the proposed wrap-around corner window, would be contrary to the House Extension Design Guide which states, in relation to side extensions, "Do not incorporate blank gable walls where extensions face onto public footpaths and roads". The Planning Officer considered that the insufficiently active gable could be addressed by way of condition to provide for adequate dual frontage and maximise surveillance of the public domain to address Section 11.3.2 (ii) (Corner/Side Garden Sites) of the County Development Plan 2016-2022.
- 7.1.3. The grounds of appeal state that inserting a window in the gable would take up space for cabinets and work space and affect the efficient internal use of space. The grounds of appeal also state the window would be looking at a blank wall.
- 7.1.4. There is a separation distance of between 1.15 metres and 2.18 metres between the side extension building line and the site boundary. I measured the existing boundary wall on my site inspection and it was approx. 2 metres in height. There would be little inter-visibility between any window and the public area to the east. One of the purposes of the windows as set out in the Design Guide is to increase passive surveillance of public areas and I note the grounds of appeal state that there is anti-social behaviour in the laneway. However, I do not consider that a window in this ground floor gable, looking onto a 2 metres high boundary wall, would have any effect on anti-social behaviour or have any notable improvement in design, given the presence of this boundary wall. I also do not consider that a high level, horizontal window in the gable would have any significant impact. I also note that Section 11.3.2 (ii) of the Plan relates to new houses, not to extensions.
- 7.1.5. Having regard to the foregoing, I recommend the removal of Condition 2 of the planning authority decision.

7.2. Condition No. 3 (Surface Water)

7.2.1. Condition No. 3 states as follows.

3. Surface Water

Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

- (i) The applicant is requested to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdublincoco.ie.
- (ii) The applicant is requested to submit a drawing showing proposed SuDs (Sustainable Drainage Systems) features for the proposed development such as but not limited to the following:
 - Permeable Paving
 - Water Butts
 - Soakaways
 - Rain Gardens

Note: If a soakaway is proposed the applicant shall submit the following:

- (a) A report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- (b) A drawing showing plan & cross-sectional views, dimensions and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- (i) At least 5m from any building, public sewer, road boundary or structure.
- (ii) Generally, not within 3m of the boundary of the adjoining structure.
- (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- (iv) 10m from any sewage treatment percolation area and from any watercourse/floodplain.
- (v) Soakaways must include an overflow connection to a public surface water sewer.

REASON: In the interest of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

- 7.2.2. Q.20 of the Planning Application Form stated that it was proposed to dispose of surface water to a soakpit. The submitted Site Plan showed a percolation area for surface water drainage. The Water Services Planning Report prepared for the application was fully copied into the planning authority's Planning Report and the only comment attached by the Planning Officer was that the requirements of Water Services can be sought by condition. Apart from the first two lines of the condition, the wording is the same as that of the Water Services Planning Report. This appears to be a standard Water Services further information request which did not consider the specifics of the planning application.
- 7.2.3. The grounds of appeal consider that compliance with this condition would likely require a structural engineer and the subsequent cost to the applicant is mentioned.
- 7.2.4. The method of existing surface water disposal on site is not cited, however the application clearly indicates that a soakaway is proposed to cater for the new extension. There is an existing shed in the footprint of the proposed extension so the extension will not be a completely new generator of surface water. Given the nature of the proposed development and the method of surface water disposal I consider the requirement of Condition 3 to submit detailed existing and proposed surface water drainage layouts is excessive without considering whether or not the disposal to a

soakaway is achievable. The condition sets out what is required “if” a soakaway is proposed. These include site specific soil percolation test results, design calculations, cross-sectional views and dimensions.

7.2.5. I consider it reasonable to apply a condition requiring the proposed development to comply with BRE Digest 365. Should this not be possible because of e.g. soil conditions or inability to achieve separation distances, alternative solutions could then be considered which may, for example, require connection to the public system.

7.2.6. Therefore, I consider the wording of Condition 3 should be amended to allow the proposed development discharge to a soakpit on site in the first instance in accordance with the requirements of BRE Digest 365 and, if that cannot be achieved, the applicant shall agree an alternative solution with the planning authority. I recommend the amendment of Condition 3 of the planning authority decision.

7.3. **Condition No. 4 (Irish Water)**

7.3.1. Condition No. 4 states as follows.

4. Irish Water.

Prior to the commencement of development the applicant shall enter into water connection agreement(s) with Irish Water as follows:

Water – All works are to comply with the Irish Water Standard Details for Water Infrastructure, (mandatory for all Irish Water Connection Agreement Offers issued after 6th June 2016 and available at <http://www.water.ie/help-centre/connections>)

(ii) The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie. - All works are to comply with the Irish Water Standard Details for Waste Water Infrastructure, (mandatory for all Irish

Water Connection Agreement Offers issued after 6th June 2016 and available at <http://www.water.ie/help-centre/connections>).

REASON: In the interest of public health and to ensure adequate water and wastewater facilities.

- 7.3.2. The Irish Water report, in relation to water, only requires that all works comply with Irish Water Standard Details for Water Infrastructure. In relation to foul water, existing and proposed foul water drainage layouts are required similar to the surface water layout. It is stated that the drainage layout shall clearly show the foul and surface water systems discharging to separate pipe networks. However, the surface water associated with the proposed development is discharging to a soakpit within the site curtilage. The report, in relation to foul water, also requires all works comply with Irish Water Standard Details for Waste Water Infrastructure.
- 7.3.3. I note that Irish Water do not require the applicant to enter into a 'connection agreement'. This requirement was included as the first two lines of the condition by the Council. Irish Water's 'Connection Charging Policy' states, at Section 4.3, that a single domestic connection is defined as a connection to a single domestic premises. As the application is for a domestic extension, and not a second house, I do not consider there is any requirement for the applicant to enter into any water connection agreement(s) with Irish Water as inserted by the County Council. Further, I do not consider it is necessary to submit a detailed site layout drawing given there is no indication that a 'new' connection to the public foul system is proposed. Notwithstanding, I consider that the works should be carried out to the standard of the Irish Water documents for water and waste water referenced in the Irish Water report.
- 7.3.4. Therefore, I recommend the amendment of Condition No. 4 of the planning authority decision.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons

and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning & Development Act, 2000 (as amended) to:

- (a) Remove Condition 2 for the reasons and considerations set out below.
- (b) Amend Condition 3 as follows.
- (c) Amend Condition 4 as follows.

9.0 Reasons and Considerations

- (a) Remove Condition No. 2

Having regard to the presence of a 2 metres high side boundary wall, the inclusion of an eastern elevation gable kitchen window would have negligible impact on the passive surveillance of the adjoining laneway. The planning authority's Condition 2 requiring a kitchen gable window is, therefore, not warranted.

- (b) Amend Condition No. 3

Surface water from the proposed development shall be discharged to a soakaway(s) within the curtilage of the site in accordance with the provisions of BRE Digest 365 – Soakaway design. Should the site not be capable of accommodating the surface water generated from the proposed development in accordance with BRE Digest 365, an alternative method(s) of surface water disposal shall be agreed in writing between the developer and the planning authority prior to the commencement of development. Should an agreement not be reached, the matter shall be referred to An Bord Pleanála to determine.

REASON: To ensure adequate servicing of the development.

- (c) Amend Condition No. 4

- (i) All relevant works are to comply with the Irish Water Standard Details for Water Infrastructure.

- (ii) All relevant works are to comply with the Irish Water Standard Details for Waste Water Infrastructure.

REASON: In the interest of public health and to ensure adequate water and waste water facilities.

Anthony Kelly

Planning Inspector

07.04.2021