



**Development**

Demolition of an extension and the construction of a semi-detached dwelling.

**Location**

No. 29 Boot Road, Clondalkin, Dublin 22.

**Planning Authority**

South Dublin County Council

**Planning Authority Reg. Ref.**

SD21A/0339

**Applicant**

Jean Feeney.

**Type of Application**

Permission.

**Planning Authority Decision**

Refusal of Permission.

**Type of Appeal**

First Party against Refusal of Permission

**Appellant**

Jean Feeney.

**Observer(s)**

None.

**Date of Site Inspection**

08/02/2023.

**Inspector**

Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The appeal site has a stated area of c. 0.0246ha. and is located within the established residential area of Boot Road in Clondalkin, Dublin 22. This area of Boot Road is characterised by two storey dwellings in terraces of four. With the exception of this terrace, dwellings within the estate typically benefit from long rear gardens. The appeal site is located on a corner and shares an eastern boundary with Brideswell Lane. The laneway runs along the eastern boundary of the terraces of dwellings (89-103) and mostly parallel to the Fonthill Road further to the east.
- 1.2.** The site currently comprises an end of terrace, semi-detached double storey dwelling with a single storey extension on its eastern side. The dwelling is served by an area of amenity space to its rear and a small lawn area to the front. I note that the proposal does not provide any designated off-street car parking.
- 1.3.** It was evident upon inspecting the site and surrounds that a large number of commercial businesses are in operation along Brideswell Lane, further to the south of the appeal site. I also note that a childcare facility is in operation along the laneway and is located to the immediate south of the site. The site is bound to the west by a mid-terrace dwelling at No. 30 Boot Road.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for the demolition of the existing single storey extension to the side of the dwelling (c. 3.4sq.m.) and the construction of a double storey, end of terrace dwelling. The dwelling will have a contemporary architectural expression with a flat roof form. The proposed dwelling has a stated floor area of c. 80sq.m. and shall comprise an entrance hall, store, kitchen/living/dining area and toilet at ground floor level and a double bedroom with ensuite and a home office at first floor level.
- 2.2.** The proposal seeks to remove the existing front boundary wall and provide 2 no. designated off-street car parking spaces within the front setback. Permission is also sought for all associated site works.

- 2.3.** I note that the design of the dwelling was modified at additional information stage which I will discuss further in Section 3.2 of this report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority refused planning permission for the following 2 no. reasons:

1. It is considered that the proposed 6.19m wide shared vehicular entrance would be excessive, out of character for the streetscape and by virtue of the width would represent a traffic and pedestrian safety hazard. The Development would therefore be contrary to Section 12.7.6 of the South Dublin County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the Applicant has provided insufficient information in relation to the proposed soakaway, namely the lack of soil percolation test results or plan or cross-sectional drawings showing the design details. In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development adheres to the BRE Digest 365 Standards. The proposed development would therefore be contrary to the proper planning and development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The South Dublin County Council Planning Reports form the basis of the decision. The First Report provides a description of the site and the subject proposal, it sets out the planning history of the site and identifies the site as being located within lands zoned RES of the South Dublin County Development Plan, 2022-2028, which seeks “To protect and/or improve residential amenity”.

The Planning Authority identified a number of deficiencies on the submitted plans and particulars and it was outlined that they must be addressed prior to a determination on the application. Notwithstanding this, an assessment of the application was undertaken, and concerns were raised with respect to the height of the proposed

dwelling and the front projection at ground floor level. It was indicated within their report that the Applicant had not provided any justification or rationale for the proposed contemporary design or a demonstration of compliance with the House Design Guide. It was recommended that the Applicant either re-design the proposed development to address the site context or submit a detailed Design Statement outlining the rationale for the design, along with 3D Imagery showing the proposal within the surrounding receiving context. It was also suggested that the design and layout of the proposed dwelling be modified to include a 1m privacy strip between Brideswell Lane and the side/north-east façade and improve the fenestration pattern at first floor level to increase the passive surveillance to the adjacent public domain below.

Additional information was also sought with respect to the proposals for surface water drainage, the requirement for modified plans showing the provision of 3 no. on-curtilage parking spaces for both the existing and proposed house and a plan and elevation of vehicular access limited to a width of 3.5m.

Following the Planning Authority's request for additional information, the proposal was modified as follows:

- The single storey projection to the front of the dwelling was omitted so that the proposed dwelling matches the front building line of the existing dwelling.
- The internal layout of the dwelling was modified to provide a reverse living arrangement and a new balcony was provided on the rear elevation at first floor level.
- The proposal includes the provision of a privacy strip at ground floor level ranging from 1m to 1.5m along the eastern boundary. The first floor level of the proposed dwelling overhangs this privacy strip and is set approximately 300mm to 600mm off the eastern boundary.
- The provision of a roof light on the existing dwelling to provide daylight to the first floor level hallway.

Notwithstanding the modifications to the design of the dwelling which the Planning Authority generally deemed to be acceptable subject to conditions, concerns were highlighted because the Applicant failed to submit percolation test results or design

details of the proposed soakaway as per BRE Digest 365 Standards. In addition, it was considered that the proposed shared vehicular entrance with an approximate width of 6.19m, would represent a traffic and pedestrian safety hazard and would impact the visual amenity and character of the adjacent streetscape. A refusal of planning permission was therefore recommended by the Planning Authority for 2 no. reasons.

### 3.2.2. Other Technical Reports

Drainage & Water Services: First report received requesting additional information. A refusal of planning permission recommended in the second report.

Parks and Public Realm: Report received stating no objection.

Roads department: First report received requesting additional information. Second report received on file stating no objection subject to conditions.

### 3.3. Prescribed Bodies

Irish Water: Report received requesting additional information.

Department of Housing, Local Government and Heritage: Report received recommending conditions in the event of a grant of planning permission.

### 3.4. Third Party Observations

None.

## **4.0 Planning History**

### **4.1. Appeal Site**

**SD06A/0755:** Planning permission refused by the Planning Authority in October 2006 for the demolition of single storey porch to side of existing house, and the construction of a new attached two storey house (two bed) to side of same and all associated site development works. The application was refused for the following 4 no. reasons.

1. Having regard to the pattern of development in the area, it is considered that the proposed house with a frontage of 2810mm, would be out of character with development in the area, represents over-development of a restricted site and would be visually obtrusive when viewed from the Fonthill and Boot Roads. Thus the proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity.
2. The proposed development of a new house and alterations to the existing house to accommodate this new house, would result in overdevelopment of a restricted site, would be contrary to Section 12.4.6 of the South Dublin County Development Plan 2004 - 2010 and would be injurious to the amenity of neighbouring properties.
3. The proposed development will only provide for approximately 39 sq.m. of private open space for the proposed two bedroom house and less than 50 sq.m. for the existing house. The South Dublin County Development Plan 2004 - 2010 requires a minimum of 55 sq.m. of private open space for a two bedroom house and 60 sq.m. for a three bedroom house. The proposed development would therefore represent substandard development, providing inadequate private amenity space for occupants of existing and proposed houses. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

**SD02A/0553:** Planning permission refused by the Planning Authority in November 2002 for extension and alterations to existing crèche and Montessori school, including extension and alterations to existing dwelling. The application was refused for the following 4 no. reasons.

1. The proposed development contravenes section 3.4.8 of the South Dublin County Development Plan, 1998 with respect to the subdivision of dwellings in suburban estates and so would be in conflict with the Zoning Objective A "to protect and or improve residential amenity" and would seriously injure the amenities and depreciate the value of property in the vicinity.
2. The proposed development would result in the generation of additional traffic/turning movements both on this substandard laneway and its junction with the Boot Road and would endanger public safety by reason of traffic hazard.
3. The proposed development by itself or by the precedent which the grant of permission would set for similar development in the immediate vicinity, would seriously injure the amenities of property in the vicinity.
4. There is no provision for private open space in respect of the proposed. This is unacceptable and contrary to the Council's policy on the provision of open space in apartment development.

#### **4.2. Surrounds**

**S99A/0103:** Planning permission granted by the Planning Authority for the continuance of use of Montessori school. This site is located to the immediate south of the appeal site and also has an address at No. 29 Boot Road.

### **5.0 Policy Context**

#### **5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

**5.2. Design Manual for Urban Roads and Streets (DMURS), 2019.**

**5.3. Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).**

**5.4. South Dublin County Development Plan, 2022 -2028 (CDP)**

5.4.1. The site is within an area zoned ‘RES’ of the current CDP, which seeks “To protect and/or improve residential amenity”. All lands within the surrounds of the subject site are also zoned ‘RES’. I note that St. Brigid’s Well, Rockfield Drive, Clondalkin, a Protected Structure (RPS Ref. No. 170) is located to the east of the subject site on the opposite side of Brideswell Lane. The site is also located within a Sites and Monuments Record Zone of Notification (R149466 (DU021-010001, DU021-010002, DU021-010003)) as per the applicable zoning map.

5.4.2. Section 6.8 (Residential Consolidation in Urban Areas) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:

- **Policy H13:** Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County
- **H13 Objective 3:** To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

5.4.3. With respect to infill development Section 12.6.8 (Residential Consolidation) of the current CDP notes that development on infill sites should meet the following relevant criteria:

- “Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes...
- ...It should be ensured that residential amenity is not adversely impacted as a result of the proposed development...”

5.4.4. With respect to corner/side garden sites, Section 12.6.8 of the current CDP also notes that “Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the

local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;

- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

5.4.5. Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces.
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated.
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

5.4.6. Given the location of the appeal site relative to an existing Protected Structure, Section 12.3.7 (iv) (Development in Proximity to a Protected Structure) is of relevance to the consideration of this appeal. The policy notes that planning applications for development in proximity to a Protected Structure may require a Design Statement to outline how the proposal responds to the setting and special interest of the Protected Structure and its curtilage. Pastiche designs that confuse new features / structures with older and original features / structures should be avoided.

## **5.5. Natural Heritage Designations**

- 5.5.1. The nearest designated site is the Rye Water Valley/Carton Special Area of Conservation (SAC) (Site Code: 001398) c. 8.3km to the north-west of the site. The proposed Natural Heritage Area (pNHA): Grand Canal is also located c. 1.6km to the site's north.

## **5.6. EIA Screening**

- 5.6.1. Having regard to the nature and scale the development, which consists of the construction of a new dwelling in a serviced urban location, 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.

# **6.0 The Appeal**

## **6.1. Grounds of Appeal**

The First Party appeal has been prepared and submitted on behalf of the Applicant.

The grounds of appeal can be summarised as follows:

- In terms of Refusal Reason No. 1, it is stated that the development can easily be catered for by a soak hole on site and sufficient details were submitted to show that the site can accommodate this small development. The appeal submission includes test results and some additional information which the appellant contends will also support the suitability of the site to accommodate the development.
- It is stated that the existing house has the benefit of a surface water sewer connection, and the proposed development will be serviced by a BRE Digest 365 soakhole. A 1sq.m. soakhole will be sufficient to cater for the surface water runoff with an impermeable area of 32sq.m. It is indicated that the Applicant wishes to use permeable paving to the front boundary to deal with the surface water and also to install 2 no. water butts as shown on the revised site layout plan.
- In terms of Refusal Reason No. 2, it is stated that the entrance gateway could have been conditioned to be 3.5m wide. A revised drawing has now been

submitted showing this arrangement and it is stated that the Applicant would be happy to accept a condition in relation to this arrangement.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

# **7.0 Assessment**

The main issues are those raised in the Planning Report, consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual & Residential Amenity
- Access & Car Parking
- Surface Water Drainage
- Appropriate Assessment

## **7.1. Principle of Development**

7.1.1. The proposal seeks planning consent for the demolition of the existing single storey extension to the side of the dwelling (c. 3.4sq.m.) and the construction of a double storey, end of terrace dwelling. The appeal site is located on lands zoned 'RES' of the current CDP, the objective of which seeks 'To protect and/or improve residential amenity' and I note that residential development is identified as a permitted in principle use on lands zoned 'RES'. Having regard to the pattern of development in the surrounding area and the applicable zoning designation, I am satisfied that the principle of a new dwelling at this location is acceptable. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site,

taking into consideration the design and layout, access, the impact on the amenities of adjoining residents, and the sustainable planning and development of the area. The following assessment has specific regard to these issues.

## **7.2. Visual & Residential Amenity**

- 7.2.1. I note that the proposed dwelling has been designed to fit into this irregular shaped site, whereby the width of the dwelling increases from c. 2.4m (first floor level) on the front elevation to c. 6.55m on the rear elevation. The proposed dwelling has a distinctly contemporary architectural expression with a flat roof form and pressed metal cladding being utilised for the principal elevations. The proposal was modified at additional information stage to provide a ground floor level set back along its eastern (side) boundary with the first floor level cantilevering above this setback. The proposal was also amended to provide a reverse living arrangement with an ensuite bedroom provided at ground floor level and a WC and open plan kitchen/living room at first floor level. A balcony was also provided at first floor level which would be accessed from the kitchen/living room. Given the nature of the proposed development, I have had regard to the policy for corner/side garden sites, as prescribed in Section 12.6.8 of the current CDP. In this instance, the design of the proposed dwelling provides for a dual frontage with passive surveillance to north (front) of the site and to the east along Brideswell Lane. The proposed dwelling does not breach the established front building line and although the proposal represents a departure from the surrounding area in design terms, I am satisfied that the dwelling is designed to a high standard and the contemporary form would in fact make a positive design contribution to this corner site. Overall, I am satisfied that the proposed dwelling accords with the pertinent policy of the current CDP for corner/side garden sites and is acceptable in design terms. I am also conscious of the location of the site in the context of an existing Protected Structure (RPS Ref. No. 170, St. Brigid's Well, Rockfield Drive, Clondalkin). This is described as an Ecclesiastical Remains, Holy Well & Inscribed Stone, Children's Burial Ground Site (RM). Having regard to the overall scale, design and form of the proposed dwelling, I am satisfied that the proposal will not detract from or negatively impact the character or setting of the Protected Structure and is therefore acceptable having regard to Section 12.3.7 (iv) (Development in Proximity to a Protected Structure) of the Development Plan.

- 7.2.2. I note that the Planning Authority recommended the inclusion of an additional ground floor window on the eastern elevation to provide passive surveillance of the adjoining lane and to also improve solar access to the ground floor level bedroom. I note that there is an existing window on the eastern elevation at ground floor level which will serve the entrance hallway. Given the proposed bedroom is already served by a south facing window which will face the rear garden, I do not consider the provision of an additional window to be warranted in this instance. I also acknowledge that the first floor level windows will provide passive surveillance of the lane. Within their assessment of the application, the Planning Authority also noted that should permission contemplated, amendments would be sought to improve the residential amenity of the existing dwelling by removing the balcony element. Given the proposed dwelling is served by a rear garden which complies with the quantitative standards of the current CDP (see commentary below), I would concur with the recommendations of the Planning Authority given the potential for overlooking of the adjoining rear amenity space. I therefore recommend the inclusion of a condition requiring the omission of this balcony and its replacement with a standard window on the rear elevation to serve the first floor living area. Whilst I acknowledge that there is no direct internal connection to the rear open space area, I am satisfied that the open space arrangement is acceptable in this instance and will afford a good standard of amenity to its future occupants.
- 7.2.3. Given the site has an abuttal with the existing laneway, I also recommend the inclusion of a condition requiring details of the proposed eastern boundary to be submitted by way of compliance. Although the Applicant has indicated that the existing boundary is to be retained, the redevelopment of the site provides an opportunity to enhance this interface with the existing laneway. This condition shall stipulate the requirement for a high-quality boundary treatment, comprising a low plinth wall adjacent to the eastern façade of the dwelling, the height of which can then be increased to a maximum height of 2m adjacent the rear amenity space. The details of which are to be submitted to the Planning Authority for written agreement, prior to the commencement of development.

- 7.2.4. As per Table 3.20 of the current CDP, a 1 no. bedroom house generates a requirement for 48sq.m. of private open space. I note that 48sq.m. of private open space is provided to the rear of the dwelling and c. 55sq.m. is proposed to be retained for the existing dwelling (2 no. bedrooms). I also note that the size of the dwelling complies with the standards contained within the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) and Table 3.20 of the current CDP. Overall, I am satisfied that the proposal will afford a good standard of amenity to its future occupants and the proposal is therefore acceptable having regard to the residential amenity of the site and surrounds.
- 7.2.5. Having regard to the foregoing assessment, I am satisfied that the proposed development would represent a more efficient use of a serviced and residential zoned brownfield site which benefits from access to public transport, amenities and services. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a) and which seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints (National Policy Objective 3a). Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) also highlights that the preferred approach to development would be compact development that focuses on reusing previously developed, ‘brownfield’ land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal. In this regard, I am satisfied that the proposed development is in accordance with local through to national policy objectives and I recommend that planning permission be granted for the proposed development.

### **7.3. Access & Car Parking**

- 7.3.1. The proposal seeks planning consent to remove the existing front boundary wall and create a new vehicular entrance to provide 2 no. off street car parking spaces to serve the existing and proposed dwellings. I note that the appeal site is the only dwelling within the terrace of 4 no. properties that does not benefit from off-street car parking.

The proposed vehicular entrance has a stated width of c. 6.2m and will span the full width of the site's front boundary. Within their assessment of the application and the additional information response, it was noted by the Planning Authority's Road's Department that 2 no. parking spaces would be sufficient for the 2 no. properties. However, concerns were raised with respect to the overall width (i.e. c. 6.2m) of the entrance which was considered to be excessive and it was stated that it should be limited to a maximum of 3.5m for reasons of pedestrian safety, visual amenity and to retain on street car parking for visitors. The Planning Authority then recommended a refusal of planning permission. I wish to highlight that following an inspection of the appeal site and examining the plans and particulars, it is evident that there are discrepancies on the submitted documentation as the width of the front boundary does not in fact exceed c. 5.3m. Therefore, the reference to an entrance width of c. 6.2m is incorrect.

7.3.2. Section 12.7.6 (Car Parking Design and Layout) of the current CDP is relevant to the consideration of the application and provides policy guidance for the widening of driveways to accommodate in-curtilage parking. The policy states that proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

In support of the planning appeal, the appellant has submitted a revised site layout plan which reduces the overall width of the vehicular entrance to a maximum of 3.5m. Again, I note that the existing dwelling relies on on-street car parking. As the proposal seeks to provide in-curtilage car parking for both the existing and proposed dwellings, I am satisfied that the proposal will not result in any additional on-street car parking

pressures and the loss of the existing on-street space within the site's frontage will therefore be mitigated by the proposal. In terms of the overall width of the entrance, I note that the policy stipulates that the width of 3.5m between gate pillars shall not normally be exceeded. However, I note that in this instance the proposed vehicular entrance will serve 2 no. properties and I am conscious that it will be necessary for the spaces to be independently accessed. In this regard, I recommend the inclusion of a condition limiting the width of the entrance to a maximum of 4m. Details of which are to be submitted to the Planning Authority for written agreement prior to the commencement of development. Subject to compliance with this condition, I am satisfied that the proposal is acceptable having regard to the visual amenity of the streetscape and the surrounding area and the proposal would not endanger public safety by reason of a traffic hazard.

#### **7.4. Surface Water Drainage**

- 7.4.1. The Planning Authority's second reason for refusal relates to the proposals for surface water drainage and it was deemed that the Applicant had failed to provide sufficient information in relation to the proposed soakaway, namely the lack of soil percolation test results or plan or cross-sectional drawings showing the design details. In the absence of accurate and sufficient information, the Planning Authority considered that the Applicant had not substantially demonstrated that the proposed development adheres to the BRE Digest 365 Standards. In support of the planning appeal, the appellant has submitted test results and additional information which they contend will support the suitability of the site to accommodate the proposed development.
  
- 7.4.2. The supporting report indicates that soakaway testing and design was carried out in accordance with BRE Digest 365. The report indicates that using the f-value calculated from the test carried out (0.00027m/min), a stone filled trench soakaway has been designed to accommodate run-off from 60sq.m. of roof area based on a 10-year return period. A stone filled trench 1m long, 1m wide and extending 1.5m below ground level is required and the soakaway will have an effective depth of 1m. A recommendation is provided that the soakaway should be built at least 5m from the foundations of the house in question. The location of the 1 cubic metre soakhole has also been identified

on the Site Layout Plan (Drawing No. JF/APP-002x) which has been submitted in support of the planning appeal.

- 7.4.3. I am conscious of the commentary within the appeal submission which notes that the Applicant wishes to use permeable paving to the front boundary to deal with the surface water and also to install two water-butts as shown on the revised site layout plan, in lieu of the proposed soakhole. The policy at Section 12.7.6 (Car Parking Design and Layout) of the current CDP notes that where a hard surface are proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage. I am therefore of the opinion that both the soakaway and permeable paving should be utilised as per the submitted Site Layout Plan, given it is proposed to remove the existing garden area to the front of the property to accommodate in-curtilage car parking. Although I acknowledge that cross-sectional drawings showing the design details of the soakhole have not been submitted by the Applicant, I am satisfied that the proposals are generally acceptable given the scale of the proposed dwelling and the overall size of rear amenity space. However, I do recommend the inclusion of a condition requiring all drainage arrangements, including the disposal of surface water, to comply with the requirements of the Planning Authority for such works and services.

## **7.5. Other Matters**

- 7.5.1. A report is on the planning file from the Department of Housing, Local Government and Heritage which indicates that the site of the proposed development is located within the zone of notification associated with three recorded monuments DU021-010001-Class: Ritual site - holy well, DU021- 010002-Class: Inscribed stone and DU021-010003-Class: Children's burial ground, all of which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. The report indicates that the proposed development could impact on subsurface archaeological remains given its location in the context of the zones of notification. Suitable conditions have therefore been recommended by the Department which I deem their inclusion to be appropriate in this instance.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, a dwelling on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## **8.0 Recommendation**

- 8.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to Project Ireland 2040: The National Planning Framework, and its relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the South Dublin County Development Plan, 2022-2028, including the 'RES' zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended at additional information stage as received by the Planning Authority on 11 <sup>th</sup> August 2022 and at appeal stage as received by the Board on 4 <sup>th</sup> October 2022, 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 details in writing with the
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	<p>planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> <li>a. The Applicant shall provide a revised high-quality boundary treatment to Brideswell Lane. This shall comprise a low plinth wall adjacent to the eastern façade of the dwelling, the height of which can then be increased to a maximum height of 2m, adjacent the rear amenity space.</li> <li>b. The omission of the first floor level balcony on the rear elevation and its replacement with a conventional window to serve the first floor living area.</li> </ul> <p>Revised drawings showing compliance with these requirements shall be submitted to an agreed in writing with, the planning authority prior to the commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>
3.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The width of the proposed vehicular shall not exceed 4m and its design and layout shall comply with the requirements of the Planning Authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p>

	<b>Reason:</b> In the interest of public health.
6.	Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Irish Water.  <b>Reason:</b> In the interest of public health.
7.	Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.  <b>Reason:</b> In the interest of residential amenity.
8.	<p>a. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by this Department.</p> <p>b. The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service of the Department of Housing, Local Government and Heritage.</p> <p>c. Having completed the work, the archaeologist shall submit a written report stating their recommendations to the Planning Authority and to the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p> <p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
9.	Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm hours on Saturdays and not at all on Sundays and public holidays. Deviation

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Enda Duignan  
Planning Inspector

09/03/2023