



An  
Bord  
Pleanála

## Inspector's Report ABP-314607-22

### Development

Permission for an extension of an existing dwelling and associated works and retention permission for extra height of timber fence to the front and side.

### Location

No. 55 Dodder Park Road,  
Rathfarnham, Dublin, D14 XE92.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD22B/0287.

### Applicant

Brian O'Malley.

### Type of Application

Permission & Retention Permission.

### Planning Authority Decision

Split Decision.

### Type of Appeal

First Party against Refusal of  
Retention Permission.

### Appellant

Brian O'Malley.

**Observer(s)**

None.

**Date of Site Inspection**

03/11/2022.

**Inspector**

Enda Duignan

## **1.0 Site Location and Description**

- 1.1. The address of the appeal site is No. 55, Dodder Park Road, Rathfarnham, Dublin. The site has a stated area of c. 0.035ha. and is located on the northern side of Dodder Park Road, c. 80m to the east of the junction of Dodder Park Road and Dodder Park Road Grove. On site is a double storey dwelling with a single storey extension to the side and rear. Car parking is provided within the dwelling's front setback and the dwelling is served by an area of amenity space to its rear. The site is bound to the south (front) by an existing boundary wall with a fence above measuring a maximum height of 1.9m.
- 1.2. In terms of the surrounding area, the site is located within an established residential area, which is typically characterised by semi-detached, double storey dwellings of a similar architectural style. The site is bound to the west and east by Nos. 53 & 57 Dodder Park Road respectively and to the north by No. 47 Dodder Road Lower.

## **2.0 Proposed Development**

- 2.1. The proposed development seeks planning permission for the construction of a single storey front extension, first floor level extension to the side and the construction of 2 no. dormer windows on the rear roof profile to facilitate the conversion of the existing attic to storage space. The proposal also includes the construction of a new pergola structure to the rear of the property.
- 2.2. Retention permission is also sought for the erection of fencing along the southern and eastern boundary of the site, all of which are located to the front (south) of the existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a split decision, granted planning permission for:
  - Attic conversion for storage with two dormer windows to the rear.
  - Three Velux windows to the front.
  - Raised gable to the side.

- Single storey extension to the front.
- First floor extension to the side.
- New pergola structure to the rear.

Permission was granted subject to compliance with 7 no. conditions. Conditions of note included:

Condition 2.

Height of Timber Fence

The height of the timber fence to the front of the property (south and east) shall have a maximum height of 1.2m.

REASON: In the interest of visual and residential amenity of the area.

Condition 5.

Pergola Roof

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority: - Written confirmation of the proposed materials to be used for the roof of the pergola.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

Retention permission was refused for the extra height of timber fence to the front and side of the dwelling for the following 1 no. reason:

1. The timber fence subject to retention at a height of 1.9m would be significantly out of character with the pattern of development in the area and would seriously injure the amenities of property in the vicinity. Thus the proposed development would contravene the South Dublin County Development Plan 2022 - 2028 zoning objective for the area which seeks 'to protect and/or improve residential amenity' and would not be in accordance with the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The South Dublin County Council Planning Report form the basis of the decision. The report provides a description of the site and the subject proposal, it sets out the planning history of the site and surrounds 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 report also set outs the policy at local through to national level that is relevant to the development proposal.

The planning report raises no concerns with respect to the proposed extensions and the additional works to the existing dwelling and the proposals were deemed to be acceptable having regard to the residential and visual amenity of the surrounding area. However, it was stated that the boundary fences to be retained to the front of the property, which are 1.9m in height, are not consistent with the provisions of the Development Plan and therefore retention permission should be refused. A split decision was therefore recommended, whereby planning permission was granted for the proposed works to the dwelling and refused for the retention of the existing fencing.

#### 3.2.2. Other Technical Reports

None.

#### 3.3. Prescribed Bodies

None.

#### 3.4. Third Party Observations

None.

### 4.0 Planning History

#### 4.1. Appeal Site

**SD18B/0306:** Planning permission granted by the Planning Authority on 9<sup>th</sup> October 2018 for the retention of a single storey extension to the side & rear of the existing dwelling, incorporating the conversion of existing garage to habitable room and all associated site works.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan, 2022 - 2028 (CDP)

5.1.1. The South Dublin County Development Plan (CDP), 2022-2028 was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022. 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'.

5.1.2. Section 6.8.2 (Residential Extensions) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:

- **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 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
- **H14 Objective 2:** To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

5.1.3. Section 12.6.8 (Residential Consolidation) of the current CDP also notes that "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."

### 5.2. South Dublin County Council House Extension Design Guide (2010)

5.2.1. The policy document provides design guidance for domestic extensions. 'Elements of Good Extension Design' are outlined under the following headings:

- Respect the appearance and character of the house and local area;
- Provide comfortable internal space and useful outside space;

- Do not overlook, overshadow or have an overbearing affect on properties next door;
- Consider the type of extension that is appropriate and how to integrate it; and,
- Incorporate energy efficient measures where possible.

5.2.2. In terms of rear extensions, the following policies are applicable:

- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained.
- Do not create a higher ridge level than the roof of the main house.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

5.2.3. In terms of side extensions, the following policies are applicable:

- Respect the style of the house and the amount of space available between it and the neighbouring property, for example:
  - o if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;
  - o if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;
  - o if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.
- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.

- Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.
- If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm
- Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.
- Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest designated site is the South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and the South Dublin Bay and River Tolka Special Protection Area (SPA) (Site Code: 004024) c. 5km to the north-east of the site.

### **5.4. EIA Screening**

- 5.4.1. The proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The First Party appeal is in response to the refusal of the works for which retention permission were sought (i.e. fencing). The grounds of appeal can be summarised as follows:

- It is stated within the submission that the needs of the Applicant in terms of extra security, safety and privacy have not been considered by the Planning Authority. Regard has not been given to relevant National Planning Policy and it is stated that car theft and house burglary is becoming an increasingly prominent issue in the area.
- It is contended that to enforce a maximum height of 1.2m as stipulated by the Planning Authority is extremely restrictive and provides very little protection from potential bad actors in the area. The submission notes that the Planning Authority has failed to balance the security, safety and privacy needs of the Applicant against the minutest of impacts on the visual amenity of the streetscape.
- It is contended that the existing fence is not out of character with the surrounding area and examples are provided of varying boundary treatments within the surrounds of the appeal site. It is stated that the Planning Authority has failed to take into account of the multiple occurrences of similar fences along the same street let alone in the surrounding area.

### **6.2. Planning Authority Response**

- 6.2.1. In response to the Third Party appeal, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report.

### **6.3. Observations**

None.

### **6.4. Further Responses**

None.

## **7.0 Assessment**

### **7.1. Principle of Development & Matters to be Considered**

- 7.1.1. The main issues are those raised in the Applicant's grounds of appeal and the Planning Report on file and I am satisfied that no other substantive issues arise. As a split decision was issued by the Planning Authority, with retention permission being refused for the existing fencing, the Applicant's grounds of appeal focus solely on this element of the proposal. However, I note that planning permission was granted for various works to the existing dwelling comprising, attic conversion for storage with two dormer windows to the rear, three velux style windows to the front, raised gable to the side, single storey extension to the front, first floor extension to the side and new pergola structure to the rear. Having reviewed the plans and particulars, the Planning Report on file and having inspected the appeal site and surrounds, I would concur with the recommendations of the Planning Authority, and I am satisfied that the works to the existing dwelling are in accordance with the zoning provisions of the site (RES), the objective of which is "To protect and/or improve residential amenity". The proposed development will allow for the extension of an existing family home and the works are therefore considered to be acceptable having regard to the residential and visual amenity of the surrounding area. It is therefore appropriate in this instance for the following assessment to focus solely on the works for which retention permission were refused, details of which are included in the following section of this report.

### **7.2. Retention of Existing Fencing**

- 7.2.1. Within their assessment of the planning application, the Planning Authority note that the boundary fences to be retained are 1.9m in height, which is not consistent with the provisions of the Development Plan and therefore retention permission should be refused. Following a review of the current CDP, I note that there appears to be no specific policy or guidance with respect to front boundary treatments. The Planning Authority's refusal reason indicates that the proposal would be significantly out of character with the pattern of development in the vicinity and would therefore contravene the applicable zoning objective for the area which seeks 'to protect and/or improve residential amenity'. Whilst the front boundary of the majority of dwellings within the site surrounds typically comprise walls of a relatively low height, I observed

that many the dwellings have walls that are back planted with high hedges. In addition, I observed that a number of properties have a similar front boundary treatment to that of the appeal site, including the property immediately to the site's west. Whilst the height of the fence is above eye level, I note that the fence comprises horizontal timber slats and a level of intervisibility between the dwelling and the street remains. In addition, the existing gate serving the vehicular entrance does not exceed the height of the existing piers. The combination of the slat fencing and the restricted height of the entrance gate in this instance ensures that a 'dead' frontage along the streetscape is avoided. Overall, I am satisfied that the existing boundary treatment is designed to a high standard and does not detract from the existing streetscape character or that of the surrounding area. Given the location and height of the fencing, I am also satisfied that the proposal will not adversely impact the residential amenity of properties within the vicinity of the site. In this regard, I consider the development to be retained to be generally in keeping with the pattern of development in the surrounding area and I therefore recommend that planning permission be granted for the development proposal in its entirety.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development and the development to be retained, an extension of an existing dwelling on a serviced site and the retention of existing fencing, 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 and the development to be retained 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 and grant of retention permission is recommended.

### **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the South Dublin County Council House Extension Design Guide (2010) and the South Dublin County Development Plan, 2022-2028, including the residential 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 and the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The proposed development and the development to be retained shall comply with the plans and particulars lodged with the application submitted, 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 planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>All external finishes shall harmonise in colour or texture that is complementary to the house or its context.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>The house and the proposed extension shall be jointly used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.</p> <p><b>Reason:</b> To prevent unauthorised development.</p>
4.	<p>Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:</p> <ol style="list-style-type: none"> <li>a. Written confirmation of the proposed materials to be used for the roof of the pergola.</li> </ol>

	<p><b>Reason:</b> To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.</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.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>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 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>
9.	<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>

	<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.
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Enda Duignan  
Planning Inspector

02/02/2023