



An  
Bord  
Pleanála

## Inspector's Report ABP-317490-23

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<b>Development</b>	Permission: A first floor extension over existing ground floor extension to the rear of dwelling house with flat roof and two roof lights for extended living accommodation.
<b>Location</b>	91 Broombridge Road, Cabra West, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3620/23
<b>Applicant(s)</b>	Adrian Magerusan
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant w. Conditions
<b>Type of Appeal</b>	First Party v. Condition
<b>Appellant(s)</b>	Adrian Magerusan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> September 2023
<b>Inspector</b>	D. Aspell

## 1.0 Site Location and Description

- 1.1. The site is 91 Broombridge Road, Cabra. It comprises a 2-storey end of terrace house with parking to the front and garden to the rear. There is a rear ground floor extension and a single storey structure at the end of the rear garden. The rear of the site, and that of the adjacent houses, is orientated east-south-east.
- 1.2. The surrounding area is characterised by similar terraced and semi-detached dwellings, some of which have single or two-storey extensions to the rear. The original gardens of dwellings along Broombridge Road extend to c.25m.
- 1.3. No. 93 adjoins the site to the north. There is a small shed adjacent the rear of that dwelling. To the south of the subject site, No. 89 forms the end of the next terrace, and is separated from the subject dwelling by the respective side accesses and party wall. Neither No. 89 nor No. 93 have rear extensions.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a first-floor flat-roof extension to rear over the footprint of the existing ground floor extension. Internal alterations are indicated which would convert the dwelling from a 2-bedroom to a 3-bedroom dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council issued a notification of decision to grant permission (16<sup>th</sup> June 2023). Condition no. 3 states that:

*“The development shall be amended as follows: The depth of the first floor extension shall be reduced to a maximum external depth of 4.5m as taken from the rear elevation of the dwelling on the land. Reason: To protect residential amenities of No. 93 Broombridge Road.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The report states that:

- The sites along Broombridge Road are relatively narrow. The impacts of the proposal on the residential amenities of the dwellings to the north (No. 93) and the south (No. 89) are a vital consideration.
- Having regard to the site depth and orientation, the extension is unlikely to have an undue impact on levels of light to dwellings to the north and south.
- The case officer stated a concern that the depth of the extension has the potential to become a prominent feature in views from the rear of No. 93 leading to a potential overbearing relationship. To mitigate this Condition 3 is recommended. The notification of decision reflects this.

### 3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

Transport Infrastructure Ireland – Section 49 contributions if applicable.

### 3.4. **Third Party Observations**

None received.

## 4.0 **Planning History**

### Subject site:

Whilst there are no recent applications, two older applications are recorded:

- 6276/06: Retention permission granted 2006 by Dublin City Council for demolition of garden wall to provide vehicular access to front.
- 2907/99: Permission granted 1999 by Dublin Corporation for a single storey extension to rear, and new ground floor gable window.

### Nearby sites:

There is no available planning history for the adjacent dwellings, No. 93 and No. 89.

There are no recent applications for comparable proposals in the vicinity.

I note two first floor rear extensions in the vicinity which are of a similar layout, scale, orientation and proximity to adjoining dwellings, albeit built under older permissions (eg. 5050/05, No. 166 Killala Road and 2058/97, No. 99 Broombridge Road).

## 5.0 Policy Context

### 5.1. Development Plan

The site and surrounding dwellings are zoned 'Z1 Sustainable Residential Neighbourhoods', the zoning objective for which is *"To protect, provide and improve residential amenities"*.

Section 15.11 House Developments

Appendix 18 Ancillary Residential Accommodation, including Section 1.2 Extensions to Rear

Policy SC5 'Urban Design and Architectural Principles'

Policy SC19 'High Quality Architecture'

Section 15.4.2 'Architectural Design Quality'

Section 15.9.18 'Overlooking and Overbearance': *"Overbearance' in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home."*

### 5.2. Natural Heritage Designations

None relevant.

### 5.3. EIA

Having regard to the nature of the proposed development comprising a residential first floor extension in a serviced urban area, I consider that 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

One appeal was received, from the applicant. The appeal relates to Condition No. 3, summarised as follows:

- The development has been designed with the utmost consideration of neighbouring properties, and there is no significant overbearing effect, loss of light or outlook to neighbouring properties;
- No windows are proposed to the side so there is no loss of privacy;
- The extension is to accommodate the applicant's children, and the condition would reduce the bedroom sizes (with varying figures quoted).

The appeal includes information relating to impacts of the condition on cost and structural matters.

### 6.2. Planning Authority Response

The Planning Authority response raises no new issues and requests the Board upholds the decision to grant permission with conditions.

### 6.3. Observations

None received.

## 7.0 Assessment

- 7.1. Having regard to the foregoing; having examined the application details; having inspected the site; and having regard to relevant adopted policies and objectives, I consider the main issues are those related directly to the appeal, that is, the attachment of Condition No. 3. Having regard to the nature and scale of the proposed development and the nature of Condition No. 3, I consider that a *de novo* assessment is not warranted. I am satisfied the proposed development is otherwise in accordance with the proper planning and sustainable development of the area. I recommend the Board determines the matters raised in the appeal only in

accordance with Section 139 of the Planning and Development Act, 2000, as amended.

Condition No. 3

- 7.2. The first-floor extension as proposed would extend to the rear of the dwelling by c.5.2m. Condition No. 3 would see this reduced to 4.5m, that is, a reduction in depth of c.0.7m.
- 7.3. The extension would increase the dwelling from a 2-bed to a 3-bed, which would improve the amenities and enjoyment of residents in line with the zoning objective. In this context it is reasonable that the subject dwelling could be extended, and as such that some effects on adjoining dwellings would arise.
- 7.4. In relation to No. 93, the extension would stand c.5.45m at maximum height. It would be set along the boundary with No. 93 over the existing extension footprint. While the extension would rise above the eaves level, it would be set down well below the ridge level of both the subject house and No. 93. The extension would be finished in render to match the existing. There would be no increased overlooking of No. 93 or any neighbouring dwellings.
- 7.5. In these regards I do not consider that the scale of the extension as proposed, noting the height, depth and proximity to the boundary would be out of scale or oversized for the existing site, its context, or surrounding area.
- 7.6. I note that no objections were lodged in relation to the proposed extension.
- 7.7. Whilst views from dwellings are not in themselves protected in planning policy, I am not convinced that the reduction in depth required by Condition No. 3 would have a significant impact on the degree of prominence of the proposed extension and any resulting overbearance in relation to No. 93. It would however reduce the residential amenity and enjoyment of the subject property. Similarly I do not consider that the development as proposed in the absence of Condition No. 3 would have a significant negative impact on residential or visual amenities of adjacent dwellings, including No. 93, or would be unduly overbearing in relation to that dwelling.
- 7.8. For completeness, in relation to sunlight, daylight and overshadowing impacts, I concur with the planning authority planning report that whilst the proposed extension would be to the south of No. 93 along the site boundary and would have an impact

on the access to sunlight and daylight for No. 93 both internally and upon the rear garden, I do not consider that the impact of the first floor extension would be unacceptable given the extent of rear garden and that the ground floor of No. 93 is comprised largely of an open plan living-dining space which extends from front to rear. Overall I consider that No. 93. would continue to receive a reasonable degree of sunlight and daylight in the morning and evening during the year.

- 7.9. I am satisfied that the extension as proposed in the absence of Condition No. 3 would not have a significant detrimental impact on the residential or visual amenities of the area, including No. 93 specifically. As such I consider that Condition No. 3 should be removed.

## 8.0 **Appropriate Assessment**

Having regard to the development proposed being a first-floor extension, and that the receiving environment is a serviced urban area, I consider that no Appropriate Assessment issues arise given that no significant works are proposed that would disturb ground levels and that the site is served by public mains drainage which could absorb surface water run-off from the site. I do not consider 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.

## 9.0 **Recommendation**

- 9.1. I recommend that Condition No. 3 be **REMOVED** for the reasons and considerations below.

## 10.0 **Reasons and Considerations**

Having regard to the nature of Condition No. 3, which is 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 and Development Act, 2000 to:

(a) REMOVE Condition number 3 and the reasons therefore as follows:

Having regard to the 'Z1' residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed first floor extension, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not seriously injure the residential amenities of the area or of property in the vicinity, including No. 93 Broombridge Road, by reason of visual impact or overbearance. The planning authority's condition no. 3 requiring the reduction in dept of the proposed extension is, therefore, not warranted.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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D. Aspell  
Inspector

19<sup>th</sup> September 2023