



An
Bord
Pleanála

Inspector's Report

ABP-318719-23

Development	Demolition of extension, construction of extension with all associated site works
Location	14, Loreto Road, Dublin 8, D08 H5V6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1817/23
Applicant(s)	Rebecca Walsh
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Holly Kilroy
Observer(s)	None
Date of Site Inspection	6 th February 2024
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 14 Loreto Road, Dublin 8, which is a residential street in the urban area. The site has a stated area of 265sqm and currently accommodates a 2-storey end of terrace house with a single storey, flat roof, rear extension. There is an existing open driveway to the front and private open space with a garden room to the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing single storey rear extension (23.5sqm) and the construction of a new 50sqm part single / part 2 storey rear extension and all associated works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 10 no. conditions. Condition no. 3 states the following:

3. The development hereby granted planning permission shall incorporate the following amendments:

(a) The first floor window along the eastern elevation facing the new courtyard shall comprise opaque glazing.

(b) The first floor window along the rear (northern elevation) serving the master bedroom shall be reduced in size and broken up to reflect the existing window treatment of the upper floor rear elevation.

Reason: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report dated 20th November 2023 raised no objection in principle to the development and recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Drainage Division: Report dated 9th October 2023 raised no objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

An observation was received by the appellant, Holly Kilroy. The concerns raised are similar to those outlined in the appeal below.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2022 - 2028**

The appeal site is zoned Z1 with the associated land use objective *to protect, provide and improve residential amenities*.

Appendix 18, Ancillary Residential Accommodation of the Development Plan sets out guidance for residential extensions. Sections 1.1 General Design Principles, 1.2 Extensions to the Rear, 1.4 Privacy and Amenity, 1.6 Daylight and Sunlight and 1.7 Appearance and Materials are considered relevant.

5.2. **Natural Heritage Designations**

There are no designated sites in the immediate vicinity of the appeal site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive 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

A third party appeal was received from Holly Kilroy, who occupies the adjoining property no. 12 Loreto Road. The main planning grounds of the appeal are summarised below:

- The proposed development would negatively impact on the existing residential amenity of the adjacent property.
- There are few houses in the area that have extended at first floor level. All other ground floor rear extensions on Loreto Road have a similar building line. The proposed extension extends beyond this established building line and will be monolithic and out of character with the street.
- The first floor extension would directly overlook the rooflights of the appellants single storey rear extension. There would also be undue overlooking from the proposed first floor bedroom when the windows are open. Condition no. 3 of the grant of permission is noted. However, it is not adequate to reduce the overlooking impact of the extension.
- The extension would have an overbearing impact.
- The extension would overshadow adjacent properties.
- The proposed number of bedspaces would allow for an increase in the number of occupants of the house. This would not be appropriate for the site and would potentially cause noise and nuisance and impact on privacy and a sense of security for existing residents.
- The proposed development would intensify / maximise the rental potential of the house, which would result in a more transient type of resident.

- Concerns regarding the quality of the accommodation proposed as it does not reach the minimum room area and dimensions. In particular the single bedroom at first floor level, which also has obscure lighting from the proposed courtyard.
- Additional bedspaces could result in an increased demand for car parking on the surrounding streets, which is already at capacity.
- The proposed development would set a negative precedent.

6.2. **Applicant Response**

The applicants response is summarised below:

- The information provided in the appeal is misleading. The house is the applicants only property and it is intended to be owner occupied. It is not intended to rent the house or the garden room.
- The existing house is not fit for purpose and needs to be completely refurbished. The proposed extension and refurbishment works are in keeping with a modern family dwelling.
- The extension increases the number of bedrooms from 3 to 4.
- This is a single car household with space for 2 no. cars in the front driveway.
- The applicant is happy to comply with condition no. 3 of the grant of permission. Therefore, there would be no direct view into the neighbours property.
- Some overshadowing is inevitable in an urban area.

6.3. **Planning Authority Response**

The planning authority's response dated 5th January 2024 requests that if permission is being granted that a Section 48 development contribution condition be attached.

6.4. **Observations**

None

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including the observations received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Appropriate Assessment

7.2. *Principle of Development*

7.2.1. The subject site is zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. Residential is a permissible use on lands zoned Z1. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits.

7.3. *Design Approach*

7.3.1. The subject site currently accommodates an end of terrace dwelling, with an flat roof rear extension. The existing dwelling has a total floor area of 83.5sqm. The proposed development comprises the demolition of the existing 23.5sqm rear extension and the construction of a new part single / part 2 storey (50sqm) rear extension and internal alterations to the layout of the house. The proposed development would result in a dwelling with a total gross floor area of 110sqm.

7.3.2. Appendix 18 'Ancillary Residential Accommodation' of the development plan sets out design principles for residential extensions. Section 1.2 of Appendix 18 notes that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. With regard to first floor rear extensions Section 1.2 of Appendix 18 states

that they will be considered on their merits and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities.

- 7.3.3. The proposed ground floor extension has an area of c. 35sqm. It projects c. 8.6m from the rear boundary wall, which is c. 2m beyond the existing rear extension, to be demolished. It has a maximum width of c. 4.5m, which is the same width of the existing extension. It sits at the boundary wall with no. 12 Loreto Road and is located c. 1.5m from the boundary with no. 16 Loreto Road and incorporates an internal courtyard at the boundary with no. 12. The proposed ground floor extension has a flat roof with a roof light and is c. 2.8m in height. The extension allows for internal alterations to the existing house to provide a bedroom, w.c and open plan kitchen / living / dining room with separate storage, pantry and utility room.
- 7.3.4. The first floor rear extension has an area of c. 15sqm. It projects c. 4.6m from the rear boundary wall and has a maximum width of c. 4.5m in width. It sits above the ground floor extension, at the boundary with no. 12 Loreto Road and c. 1.5m from the boundary with no. 16 Loreto Road. It has a pitched roof with a maximum height of c. 6.2m. The internal layout provides for 3 no. bedrooms, 1 no. ensuite and a bathroom at first floor level.
- 7.3.5. It is noted that, excluding the existing 24sqm garden room, rear private open space of c. 108 sqm would be retained following completion of the extension.
- 7.3.6. The first floor rear extension includes an indented area, above the ground floor courtyard to allow light into the extension. Concerns are raised by the third party that the large windows on this indented area would allow for undue overlooking of the adjacent dwelling (no. 12) via skylights on the ground floor extension. To address the concerns of undue overlooking of no. 12 Loreto Road and to ensure that the proposed development does not impede any potential future first floor extensions at no. 12 Loreto Road the planning authority attached a condition (no. 3a) that the proposed first floor window along the eastern elevation facing the new courtyard shall comprise opaque glazing. In response to the appeal the applicant has stated that she is happy to accept this condition. If permission is being contemplated it is recommended that a similar condition be attached.

- 7.3.7. Concerns are also raised by the third party regarding undue overlooking from the rear bedroom window of the rear garden of no. 12 Loreto Road. I am satisfied that due to the urban location and the orientation of the dwelling that this proposed window would not result in any undue overlooking of adjacent properties. It is noted that the planning authority attached a condition (no. 3b) that the first floor window along the rear (northern elevation) serving the master bedroom be reduced in size and broken up to reflect the existing window treatment of the upper floor rear elevation. The proposed window serving the master bedroom is located on the rear of the dwelling and would not be visible from the public road. The window does not directly oppose any other windows and is located c. 25m from an apartment block in 'The Maltings'. Therefore, it is my view that this condition is unwarranted as the proposed window would not impact on the visual amenity of the streetscape or result in any undue overlooking.
- 7.3.8. Concerns were raised in the appeal regarding undue overshadowing of adjacent properties. Having regard to the urban location, the relatively limited height and scale of the proposed extension, the northern orientation of the rear private amenity space and the relatively large size of the rear gardens of the adjacent properties I am satisfied that the proposed extension would not result in any undue overshadowing. I am also satisfied that due to the nature and scale of the extension that it would not have an overbearing impact on the adjacent properties.
- 7.3.9. The third party also raised concerns that the proposed extension extends beyond the established rear building line and out of character with the street. The proposed extension is located to the rear of the existing dwelling with limited views from the public road. Therefore, I am satisfied that it would not negatively impact on the character of the street.
- 7.3.10. Overall, I am satisfied that the scale and mass of the proposed extension is respectful of the original dwelling and is in accordance with the provisions of Appendix 18 of the development plan and that subject to the recommended condition above, it would not result in any negative impacts on the existing residential amenities in terms of overlooking, overshadowing or overbearing impact.
- 7.3.11. The third party also raised concerns regarding the quality of the accommodation, in particular the single bedroom at first floor level. The Quality Housing for Sustainable

Communities: Design Guidelines, 2007 set out target room sizes and dimension for proposed residential units. It is acknowledged that the ground floor bedroom (5.9sqm), the first floor single bedroom (4.8sqm) and the first floor master bedroom (11sqm) do not reach the minimum recommended standards of 7sqm for a single bedroom, 11.4sqm for a double bedroom and 13sqm for the main bedroom and that the first floor single bedroom does not achieve a minimum room width of 2.1m for a single room. However, as this is an existing dwelling there is no requirement to achieve these standards. With regard to concerns raised regarding lack of access to daylight and sunlight for the single bedroom at first floor level it is acknowledged that access to daylight / sunlight for this window is limited, given the northern orientation and proximity (1.5m) to the courtyard wall. However, I am satisfied that the applicant has endeavoured to provide the most appropriate design solution for this existing dwelling and that the proposed layout would not negatively impact on the residential amenities of future occupants.

- 7.3.12. Concerns were also raised that the proposed extension could increase the demand for car parking. The proposed development is for an extension to single dwelling to provide a single residential unit with a total gross floor area of 110sqm. Table 2 of Appendix 5 of the development plan sets out maximum car parking standard for various land uses. There is a maximum requirement for 0.5 no. space per residential unit in zone 1. The existing house has a driveway with off street car parking for at least 1 no. car and is, therefore, in excess of the development plan standard. I am satisfied that the proposed extension would result in overspill car parking onto the surrounding road network.

7.4. *Appropriate Assessment*

- 7.4.1. Having regard to the nature and scale of the proposed development in a serviced urban area and the distance from the nearest 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

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective for the site, the provisions of the Dublin City Development Plan, 2022 -2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. 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 be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such 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.

Reason: In the interest of clarity.

2. The first floor window along the eastern elevation facing the new courtyard shall comprise opaque glazing.

Reason: In the interest of residential amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. All external finishes, including roof tiles / slates shall harmonise in material, colour and texture with the existing dwelling. A schedule of all external finishes to be used shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

Reason: In order to safeguard the residential amenities of property in the vicinity

6. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

7. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

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.

Elaine Power
Senior Planning Inspector

6th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318719-23			
Proposed Development Summary	Demolition of existing rear extension and construction of a part single / part 2 storey rear extension.			
Development Address	14 Loreto Road, Dublin 8			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below	Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	the applicable thresholds.	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318719-23		
Development Summary	Demolition of existing rear extension and construction of a part single / part 2 storey rear extension.		
Examination			
		Yes / No / Uncertain	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No	
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects